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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 23rd April, 1994/Vaisakha 3, 1916 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS (PANCHAYATS) REGULATION, 1994

No 1 OF 1994

Promulgated by the President in the Forty-fifth Year of the Republic of India

A Regulation to provide for Panchayats in the Andaman and Nicobar Islands and for matters connected therewith

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Andaman and Nicobar Islands (Panchayats) Regulation, 1994.

(*2*) It extends to the whole of the Union territory of the Andaman and Nicobar Islands except the areas included in the municipality under the provisions of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 and the areas notified before the commencement this Regulation as reserved areas under sub-section (*1*) of section 3 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956.

1 of 1957.

3 of 1956.

(*3*) It shall come into force at once.

Definitions.

2. In this Regulation, unless the context otherwise requires:

(*a*) "Adhyaksha" means the Adhyaksha of a Zilla Panchayat elected under section 150 of this Regulation;

(*b*) "Administrator" means the Administrator of the Union Territory of the Andaman and Nicobar Islands appointed by the President under article 239 of the Constitution;

(*c*) "Assistant Commissioner" includes the Additional District Magistrate;

(*d*) "block" means such local area in a district as the Administrator may constitute to be a block;

(*e*) "building" includes a house, an out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding 8 feet in height) and any other structure, whether of masonary, bricks, wood, metal or any other material but does not include any temporary structure erected on ceremonial or festival occasions or a tent;

(*f*) "case" means in relation to a judicial proceeding, or a criminal proceeding in respect of any offence triable by a Nyaya Panchayat under this Regulation;

(*g*) "Deputy Commissioner" means the Deputy Commissioner of a district in the Union territory;

(*h*) "district" means a district specified by the Administrator by a public notification to be a district for the purposes of this Regulation and includes two or more districts or portions of districts as so specified;

(*i*) "District Judge" means the District Judge of the Andaman and Nicobar Islands;

(*j*) "Election Commission" means the Election Commission appointed under sub-section (*r*) of section 185;

(*k*) "Election Commissioner" means the Election Commission of the Union Territory appointed under the sub-section (*r*) of section 185;

(*l*) "Gram" means a village;

(*m*) "Gram Panchayat" means a Gram Panchayat constituted under sub-section (*r*) of section 11;

(*n*) "Gram Sabha" means the Gram Sabha constituted under section 3;

(*o*) "land" includes land which is built upon or covered with water;

(*p*) "Nyaya Panchayat" means a Nyaya Panchayat constituted at the Gram Panchayat level under section 53;

(*q*) "Official Gazette" means the Andaman and Nicobar Islands Gazette;

(*r*) "Panchayat Samiti" means a Panchayat Samiti constituted for a block under section 106 of this Regulation;

(*s*) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(*t*) "Pradhan" means the Pradhan of a Gram Panchayat elected under section 11;

(*u*) "Pramukh" means Pramukh of a Panchayat Samiti elected under sub-section (*r*) of section 112;

(*v*) "prescribed" means prescribed by rules made under this Regulation;

(*w*) "public street" means a pathway, road, street, square, court, alley, cart track, foot-path or riding path over which the public have a right of way, whether thorough-fare or not; and includes—

(*i*) the road-way over any public bridge or cause-way;

(*ii*) the foot-way attached to any such street, public bridge or cause-way; and

(*iii*) the drains attached to any such street, road, public bridge or cause way and the land which lies on either side of the road-way up to the boundaries of the adjacent property;

(*x*) "Sarpanch" means the Sarpanch of a Nyaya Panchayat appointed under section 55;

(*y*) "Schedule" means a Schedule to this Regulation;

(*z*) "section" means section of this Regulation;

(*aa*) "Sessions Judge" means the Sessions Judge of the Andaman and Nicobar Islands ;

(*ab*) "suit" means a civil suit triable by a Nyaya Panchayat;

(*ac*) "tax" means a tax, cess, rate or other impost leviable under this Regulation;

(*ad*) "Union Territory" means the Union Territory of the Andaman and Nicobar Islands;

(*ae*) "Up-Adhyaksha" means an Up-Adhyaksha of a Zilla Parishad elected under section 150;

(*af*) "Upapradhan" means the Upapradhan of Gram Panchayat elected under section 16;

(*ag*) "Upapramukh" means Upapramukh of a Panchayat Samiti elected under sub-section (*r*) of section 112;

(*ah*) "Upasarpanch" means Upasarpanch of a Nyaya Panchayat appointed under section 55;

(*ai*) "village" means a village specified by the Administrator by a public notification to be a village for the purpose of this Regulation and includes a group of villages so specified;

(*aj*) "Zila Parishad" means the Zilla Parishad constituted under section 144.

CHAPTER II

GRAM SABHA

Constitution of Gram Sabhas.

3. The Administrator shall, by notification in the Official Gazette, constitute a Gram Sabha for each village comprised within the area of a Gram Panchayat.

Composition of Gram Sabha.

4. (*1*) A Gram Sabha shall consist of persons registered in the electoral rolls relating to a village or group of villages comprising the area of a Gram Panchayat;

Provided that a person shall be disqualified for being a member of the Gram Sabha if he—

(*a*) is less than 18 years of age;

(*b*) is not a citizen of India;

(*c*) is of unsound mind and stands so declared by competent court; and

(*d*) is not ordinarily a resident within the village for which the Gram Sabha is constituted.

(*2*) A person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing in such village or is in possession of a dwelling House therein ready for occupation.

Incorporation of Gram Sabha.

5. Every Gram Sabha shall, by the name notified in the Official Gazette under section 3, be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation, have power to acquire, hold, administer and transfer property, both moveable and immoveable, and to enter into any contract and shall, by the said name, sue or be sued :

Provided that the powers and duties of the Gram Sabha shall save as otherwise expressly provided in this Regulation, be exercised, performed and discharged by the Gram Panchayat constituted under section 11.

Alteration in area of Gram Sabha.

6. (*1*) The Administrator may in consultation with the Gram Sabha or the Gram Sabhas concerned, at any time by notification in the Official Gazette,—

(*a*) include any area in a Gram;

(*b*) exclude any area from a Gram; or

(*c*) declare that any local area shall cease to be a Gram.

(*2*) Where, by a notification under sub-section (*1*), any area is included in Gram, such area, shall thereby become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in the area within the jurisdiction of the Gram Sabha.

(*3*) Where, by notification under sub-section (*1*), the whole of the area of a Gram ceases to be a Gram, the Gram Sabha shall cease to exist and its assets and liabilities shall be disposed of in the prescribed manner, and if a part of such area ceases to be a Gram, the jurisdiction of the Gram Sabha shall be reduced by that part.

Cessation of membership.

7. (*1*) A member of a Gram Sabha shall cease to be a member, if—

(*a*) he is disqualified under section 4; or

(*b*) the area where he resides has been excluded from the jurisdiction of the Gram Sabha; or

(*c*) he ceases to be ordinarily resident within the jurisdiction of the Gram Sabha.

(*2*) Where any person ceases to be a member of a Gram Sabha under sub-section (*1*), he shall also cease to hold any office to which he may have been elected or appointed by reason of his being a member thereof.

Electoral Roll of members.

8. On the constitution of a Gram Sabha, the Assistant Commissioner, under the superintendance, direction, and control of the Election Commission, shall cause, to be prepared an electoral roll in the prescribed manner of all persons ordinarily

residing within the jurisdiction of the Gram Sabha; such electoral roll shall, among other things, contain the names of all persons entitled under section 4 to be the members of the Gram Sabha on the date of constitution and shall be revised at least once a financial year in the prescribed manner.

Meetings of Gram Sabha.

9. (*1*) Every Gram Sabha shall hold general meetings in each financial year, one in the month of October or November and the other in April or May:

Provided that the Pradhan shall, upon a requisition in writing by not less than one-fifth of the number of members, within thirty days of the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

(*2*) The Pradhan or in his absence, the Uppradhan or in the absence of both any person chosen by the Gram Sabha shall preside at such meetings.

(*3*) The notice of the time and place of all meetings of the Gram Sabha shall be given in the prescribed manner.

(*4*) One-tenth of the total number of members of the Gram Sabha shall form the quorum for a meeting.

Work at general meeting.

10. (*1*) The Gram Panchayat shall place before the Gram Sabha at its meeting in April or May—

(*a*) the annual statement of accounts;

(*b*) the report of the administration of the preceding financial year;

(*c*) the development and other programmes of work proposed for that financial year; and

(*d*) the last audit note and replies made there to.

(*2*) It shall be open to the Gram Sabha to discuss any or all of the matters placed before it under sub-section (*1*) and the Gram Panchayat shall consider the suggestion, if any, made by the Gram Sabha.

(*3*) A Gram Sabha shall carry out such other functions as the Administrator may, by a general or special order, require.

CHAPTER III

THE GRAM PANCHAYAT AND ELECTIONS

Constitution of Gram Panchayats.

11. (*1*) As soon as may be, after its constitution every Gram Sabha shall elect from amongst its members an Executive Committee called the Gram Panchayat and a Chairperson of that Committee called the Pradhan.

(*2*) A Gram Panchayat shall, consist of such number of seats, including the Pradhan not being less than nine or more than fifteen, as the Deputy Commissioner may determine.

(*3*) The ratio between the population of the territorial area of a Gram Panchayat and the number of seats in that Panchayat to be filled by election shall, so far as practicable, be the same throughout the Union territory.

(*4*) Each Gram Panchayat area shall be divided by the Election Commission into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Gram Panchayat area.

(*5*) Seats shall be reserved for the Scheduled Tribes in every Gram Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Gram Panchayat as the population of the Scheduled Tribes in that Gram Panchayat

area bears to the total population of that area and such seats shall be allotted by the Election Commission by rotation to different constituencies in a Gram Panchayat, in such manner as may be prescribed:

Provided that, no such reservation shall be necessary if the total population of the Scheduled Tribes in a Gram Panchayat is less than half the proportionate population required to fill one seat.

(6) Not less than one-third of the total numbers of the seats reserved under sub-section (5), shall be reserved for women belonging to Scheduled Tribes.

(7) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Tribes) of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women and such seats may be allotted by the Election Commission by rotation to different constituencies in a Gram Panchayat, in such manner as may be prescribed.

(8) The number of seats to be reserved under sub-sections (6) and (7), shall be determined by the Administrator, by an order published in the Official Gazette.

(9) Subject to any general or special order of the Administrator, the Deputy Commissioner shall reserve—

(a) the number of offices of Pradhans in the Gram Panchayats for the Scheduled Tribes which shall bear, as nearly as may be, the same proportion to the total number of such offices in the Gram Panchayats as the population of the Scheduled Tribes in the area of Union territory to which this Regulation extends bears to the total population of such area.

(b) not less than one third of the total number of offices of Pradhans in the Gram Panchayats for women:

Provided that the offices reserved under this sub-section shall be allotted by The Election Commission by rotation to different Gram Panchayats in such manner as may be prescribed.

Persons qualified to vote and be elected.

12. (1) Every member of a Gram Sabha shall, unless disqualified under this Regulation or any other law for the time being in force, be qualified to vote at an election to the Gram Panchayat or at a meeting of the Gram Sabha.

(2) Every member of a Gram Sabha shall, unless disqualified under this Regulation or under any other law for the time being in force, be qualified to be elected to fill up a seat in the Gram Panchayat as a member or as its Pradhan or as both:

Provided that if a person is elected to both the offices of a member as well as Pradhan, he shall resign either of the two offices within a period of fourteen days from the date of the publication of the result in the Official Gazette, failing which his seat in the Gram Panchayat shall become vacant.

(3) The vacancy caused by the result of such resignation, shall be filled by holding a bye-election for the purpose.

Disqualifications.

13. A person shall be disqualified for being chosen as, and for being, a member of a Gram Panchayat or its Pradhan if he—

(a) has failed to pay any tax, fee or other sum due to the Gram Sabha within three months from the date on or before which such tax, fee or other sum is required to be paid, or

(b) holds any salaried office or place of profit under the Gram Sabha or the Gram Panchayat, or

(c) has directly or indirectly any share or monetary interest in any work done by or to the Gram Panchayat or in any contract or employment with or under or by or on behalf of, the Gram Sabha, or

(*d*) is a servant of the Government or any municipality, or

(*e*) has been dismissed from the service of the Government or municipality for misconduct, or,

(*f*) has not attained the age of 21 years, or

(*g*) has been ordered to give security for good behaviour under section 109 or 110 of the Code of Criminal Procedure, 1973, or 2 of 1974.

(*h*) has been convicted by a criminal court of any offence involving violence or moral turpitude and sentenced to imprisonment for not less than three months and five years have not elapsed since his release, or

(*i*) is without permission of the Gram Panchayat, absent from three of its consecutive meetings, or

(*j*) is of an unsound mind and has been so declared by a competent court, or

(*k*) has been declared by a competent court to be an insolvent, or

(*l*) has been disqualified under any law for the time being in force by competent court for adopting a corrupt practice or for commission of an election offence at an election during the period of such disqualification, or

(*m*) subject to clause (*f*) is so disqualified by or under any law for the time being in force for the purposes of elections to the House of the People.

Decision on questions as to disqualification.

14. If any question arises as to whether a person has become subject to any disqualification referred to in section 4, section 7 or section 13, it shall be referred to the Deputy Commissioner for decision and his decision thereon shall be final :

Provided that before giving any decision on any such question, the Deputy Commissioner shall obtain the opinion of the Election Commission and shall act according to such opinion.

Prohibition against holding office.

15. The Pradhan or the Uppradhan shall not hold any office in the Nyaya Panchayat.

Election of Up-Pradhan.

16. (*1*) On the constitution of a Gram Panchayat for the first time under this Regulation or on the expiry of the term of a Gram Panchayat or on its reconstitution, a meeting shall be called on a date fixed by the Assistant Commissioner for the election of the Up-pradhan.

(*2*) The Assistant Commissioner shall preside at such meeting but shall not have the right to vote.

(*3*) No business other than the election of the Upapradhan shall be transacted at such meeting.

(*4*) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the Assistant Commissioner in such manner as he may determine.

Pradhan to be the Executive.

17. The executive powers of the Gram Panchayat under this Regulation and the responsibility for the due fulfilment of the duties imposed on the Gram Panchayat under this Regulation and for carrying out the resolution of the Gram Panchayat shall vest in the pradhan.

Duration of Panchayats.

18. (*1*) The Gram Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) Notwithstanding anything contained in sub-section (1) the members of the Panchayats functioning immediately before the coming into force of this Regulation shall continue to hold their office till the expiration of the term prescribed under sub-section (1) of section 21 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1961 as it stood before its repeal.

(3) An election to constitute a Gram Panchayat shall be completed,—

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Gram Panchayat for such period.

(4) A Gram Panchayat constituted upon the dissolution of a Gram Panchayat before the expiration on its duration shall continue only for the remainder of the period for which the dissolved Gram Panchayat would have continued under sub-section (1), had it not been so dissolved.

Oath of office.

19. (1) As soon as may be, after the first meeting of the Gram Panchayat, every member thereof and the Pradhan shall take the oath of office before the Assistant Commissioner in the form set out in the First Schedule.

(2) No member who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any Committee constituted by the Gram Panchayat.

Resignation of office.

20. (1) Any member may resign his office by giving notice in writing to that effect to the Pradhan and such resignation shall take effect from the date of its receipt by the Pradhan.

(2) The Upapradhan may resign his office by giving notice in writing to the Pradhan, but the resignation shall not take effect unless it is accepted by the Gram Panchayat.

(3) The Pradhan may resign his office by giving notice in writing to the Assistant Commissioner but the resignation shall not take effect until it is accepted by him.

Motion of no confidence.

21. (1) A motion of no confidence against the Pradhan may be moved by any member of a Gram Panchayat after giving such notice thereof as may be prescribed.

(2) A special meeting of the Gram Panchayat shall be convened within a period of fifteen days from the date on which the motion has been moved to deliberate on and decide the no confidence motion.

(3) If the motion of no confidence is carried by a majority of the total membership of the Gram Panchayat, the Gram Panchayat shall recommend to the Gram Sabha, the removal of the Pradhan from his office.

(4) On receipt of the recommendation under sub-section (3) a special meeting of the Gram Sabha shall be convened with a quorum of not less than fifteen per cent. of the total membership of the Gram Sabha and the recommendation shall be approved by a majority of members present and voting.

(5) Upon the approval of the recommendation under sub-section (4) the Pradhan shall cease to hold office after a period of three days from the date on which the recommendation is approved, unless he has resigned earlier.

(6) If the recommendation of the Gram Panchayat is not approved or there is no quorum in the special meeting of the Gram Sabha, no fresh motion of no confidence shall be moved against the Pradhan in the Gram Panchayat within a

period of one year from the date on which the recommendation fails to acquire approval of the Gram Sabha or the date on which the recommendation could not be considered for lack of quorum.

(7) Notwithstanding anything contained in this Regulation, the Pradhan shall not preside over a meeting of Gram Panchayat contained under sub-section (2) and of Gram Sabha under sub-section (4), but he shall have a right to speak or otherwise take part in the proceedings of such meetings.

Motion of no confidence.

22. (1) A motion of no-confidence may be moved by any member of a Gram Panchayat against the Upapradhan after giving such notice as may be prescribed.

(2) A special meeting of Gram Panchayat shall be convened within a period of fifteen days from the date on which the motion has been moved to deliberate on and decide the no-confidence motion.

(3) If the motion is carried by a majority of not less than two-thirds of the total number of members of the Gram Panchayat, the Upapradhan shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

(4) Notwithstanding anything contained in this Regulation, the Upapradhan shall not preside over a meeting in which a motion of no-confidence is discussed against him, but he shall have a right to speak or otherwise take part in the proceedings of such meeting.

Casual vacancy.

23. Any casual vacancy in the seat of the Gram Panchayat or in the office of the Pradhan or Upapradhan shall be filled for the remainder of the duration of the Gram Panchayat by election in accordance with the provisions of this Regulation:

Provided that in the case of a seat or the office of Pradhan reserved for Scheduled Tribe or women, no person other than a member of a Scheduled Tribe or a woman shall be qualified to be chosen to fill such vacancy.

Officers and servants of the Gram Panchayat.

24. (1) There shall be a Secretary for every Gram Panchayat who shall be appointed by the Administrator and shall draw his salary and allowance from the Gram Panchayat Fund.

(2) The Secretary shall be in charge of the office of the Gram Panchayat and shall perform all the duties and exercise all the powers imposed or conferred upon him by or under this Regulation or any rules or bye laws made thereunder.

(3) Subject to rules as may be framed by the Administrator regarding discipline and control, the Secretary shall act in all matters under the control of the Pradhan through whom he shall be responsible to the Gram Panchayat.

(4) The Gram Panchayat may appoint such other officers and servants and in such number as may, from time to time, be necessary:

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the Administrator.

(5) The terms and conditions of service of the Secretary and other officers and servants shall be such as may be prescribed.

Meetings of Gram Panchayat.

25. (1) The time and place of meetings of a Gram Panchayat and the procedure to be followed at such meetings shall be such as may be prescribed.

(2) A member of a Gram Panchayat may, at any meeting, move any resolution and put questions to the Pradhan or the Upapradhan on matters connected with the administration of the Gram Panchayat in the manner prescribed.

(*3*) No resolution of a Gram Panchayat shall be modified, amended, varied or cancelled by the Gram Panchayat within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Gram Panchayat.

Committees.

26. (*1*) Subject to such control and restrictions as may be prescribed, a Gram Panchayat may appoint Committees for exercising such of its powers and discharging such of its duties and functions as it may specify.

(*2*) A Committee shall consist of not more than five members and may be dissolved or reconstituted for such reasons and in such manner as may be prescribed.

Proceedings not to be invalid.

27. No act or proceeding of a Gram Panchayat or of any committee thereof shall be deemed to be invalid by reason only of the existence of any vacancy or defect in the constitution of the Gram Panchayat or the committees or of any infirmity in its proceedings.

CHAPTER IV

POWERS, DUTIES AND FUNCTIONS IN THE GRAM PANCHAYAT

Duties and functions.

28. (*1*) It shall be the duty of every Gram Panchayat so far as the Gram Fund may allow to make reasonable provision within its jurisdiction in regard to the matters specified in the Second Schedule.

(*2*) Subject to the provisions of sub-section (*1*) the Gram Panchayat may also make provision for carrying out within the area of the Gram any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the residents of the Gram.

Control of Gram Panchayat on certain properties.

29. (*1*) The Gram Panchayat in respect of all roads, streets, bridges, culverts and other properties placed by the Administrator under sub-section (*1*) of section 36 under its direction management and controll, may do all things necessary for the maintenance and repair thereof, and in particular, may—

(*a*) widen, open, enlarge, or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads;

(*b*) deepen or otherwise improve any water-course and other property mentioned in clause (*c*) of sub-section (*1*) of section 36; and

(*c*) cut any hedge or branch of any tree projecting on any such public road or street.

(*2*) The Gram Panchayat shall also have control of all roads, streets, waterways, bridges and culvert which are situated within its jurisdiction, not being private property or not being the property for the time being under the control of the Government and may do all things necessary for the improvement, maintenance and repair thereof and in particular, may

(*a*) lay out and make new roads; and

(*b*) construct new bridges and culverts.

Transfer of any work or Institution to the Gram Panchayat.

30. The Administrator may entrust to the Gram Panchayat, the execution, maintenance or repair of any work or the management of any institution on behalf of the Government or any local authority;

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Gram Panchayat by the Government or such local authority.

Collection of land revenue, etc.

31. (*1*) Subject to such conditions as may be prescribed, the Administrator may, with the consent of a Gram Panchayat by notification in the Official Gazette, entrust to the Gram Panchayat the functions and duties of collecting the land revenue and other dues recoverable as arrears of land revenue.

(*2*) Where any functions or duties are entrusted to a Gram Panchayat under sub-section (*1*), the Administrator shall pay to such Gram Panchayat collection charges at such rates as he may determine.

Village volunteer force.

32. (*1*) Subject to the rules made under this Regulation, a Gram Panchayat may organise a Village volunteer force consisting of able bodied males residing in the Gram who are between the ages of 21 and 40 and who are willing to join the force and place such force under the command of a suitable person.

(*2*) The services of the village volunteer force may be utilised for general watch and ward purpose and in cases of emergency like fire, floods, out-break of epidemics or any other natural calamity.

(3) No member of the force shall be held liable for damages on account of any act done by him in the bonafide discharge of his duties as a member of such force.

Execution of contracts.

33. Every contract or agreement entered into by a Gram Panchayat shall be in writing and shall be signed by the Pradhan and by two other members of the Gram Panchayat and sealed with the common seal of the Gram Sabha.

CHAPTER V

FINANCE, PROPERTY AND ACCOUNTS

Gram Fund.

34. (*1*) There shall be a Gram Fund for each Gram Sabha and the same shall be utilised for carrying out the duties and obligations imposed upon the Gram Sabha or the Gram Panchayat by this Regulation.

(*2*) The following shall be credited to and form part of the Gram Fund namely:—

(*a*) the proceeds of any tax or fee imposed under section 37;

(*b*) the contributions made by the Government or any local authority or person;

(*c*) all sums ordered by any authority or court to be credited to the Gram Fund;

(*d*) the income from securities in which the Gram Fund is invested;

(*e*) the share in the collection of land revenue or other dues of the Government;

(*f*) all sums received by way of loans or gifts;

(*g*) the income derived from fisheries under the management of the Gram Panchayat;

(*h*) the income from or proceeds of any property of the Gram Sabha;

(*i*) the sale proceeds of all dust, dirt, dung or refuse collected by the servants of the Gram Panchayat;

(*j*) sums assigned to the Gram Fund by any general or special order of the Government; and

(*k*) all sums received in aid of or for expenditure on any institution or service maintained or financed from the Gram Fund or managed by the Gram Panchayat.

(*3*) The amount in the Gram Fund shall be applied subject to the provisions and for the purposes of this Regulation and shall be kept in such custody as may be prescribed.

Grants.

35. The Administrator may, subject to such conditions as he may deem fit, make grants to the Gram Panchayat for general purposes or for the improvement of the Gram and the welfare of the residents therein.

Properties placed under the direction management and control of Gram Panchayat.

36. (*1*) The Administrator may, if he deems fit, place all or any of the properties, of the nature specified below, and situated within the jurisdiction of the Gram Sabha under the direction, management and control of the Gram Panchayat, namely :—

(*a*) open sites, waste vacant and grazing lands, not being private property and river beds ;

(b) public roads and streets ;

(*c*) public channels, water courses, wells, ponds, tanks (except irrigation tanks under the control of the Government), public springs, reservoirs, cisterns, fountains, aqueducts and any adjacent land (not being private property) appertaining to any public tanks or ponds, and lands appertaining thereto;

(*d*) public sewers, drains, drainage works tunnels and culverts and things appertaining thereto and other conservancy works;

(*e*) sewage, rubbish and offensive matter, deposited on streets or collected by the Gram Panchayat from streets, latrines, urinals, sewers, cesspools and other places; and

(*f*) public lamps, lamp posts and apparatus connected therewith or appertaining thereto.

(*2*) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Gram Panchayat and the Gram Sabha shall receive to the credit of the Gram Fund all dues levied or imposed in respect thereof.

Taxes which may be imposed.

37. (*1*) Subject to the rules made under this Regulation, a Gram Panchayat may levy—

(*a*) a tax on the owners or occupiers of buildings;

(*b*) a tax on professions, trades, callings and employment;

(*c*) a tax on vehicles other than mechanically propelled vehicles kept within the limits of the Gram;

(*d*) a tax on sale of cattle within the limits of the Gram;

(*e*) a theatre or show tax on entertainments and amusements;

(*f*) a lighting tax;

(*g*) a drainage tax;

(*h*) fees for providing sanitary arrangements at such places of worship of pilgrimage, fairs and melas within its jurisdiction;

(*i*) fees for sale of goods in markets, melas, fairs and festivals;

(*i*) fee for grazing of cattle in grazing lands under the management of the Gram Panchayat;

(*k*) fee for providing the watch and ward of crops in the Gram;

(*l*) licence fee for plying of public ferry.

(*2*) The taxes and fees referred to in sub-section (1) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.

Appeal against levy of tax, etc.

38. Any person aggrcived by the assessment levy or imposition of any tax or fee under section 37 may appeal to the Assistant Commissioner within thirty days of the date of the order imposing such tax or fee.

Suspension of levy of tax or fee.

39. The Deputy Commissioner may, by notification in the Official Gazette, suspend the levy or imposition of any tax or fee under section 37 and may at any time in like manner rescind such suspension.

Lease of markets etc.

40. It shall be lawful for a Gram Panchayat to lease by public auction or private contract the collection of any fee on markets and bazars if any such fee is imposed under section 37 :

Provided that a lessee shall give security for the due fulfilment of the conditions of the lease or contract.

Recovery of taxes and other dues.

41. (*1*) When any tax or fee or other sum due to a Gram Panchayat has become payable, the Gram Panchayat shall with the least practicable delay cause to be sent to the person liable for the payment thereof, a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of such notice.

(*2*) Every notice of demand under sub-section (*1*) shall be served in such manner as may be prescribed.

(*3*) If the sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, the Gram Panchayat may apply to the Tahsildar for its recovery as an arrears of land revenue.

Accounts.

42. Every Gram Panchayat shall maintain account of its receipts and expenditure in such form as may be prescribed.

Annual estimate of expenditure.

43. (*1*) Every Gram Panchayat shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year and shall submit the budget to the Panchayat Samiti having jurisdiction over the area of the Gram Panchayat.

(*2*) The Panchayat Samiti may, within such period as may be preescribed, either approve the budget or return it to the Gram Panchayat for such modification as it may direct.

(*3*) If any modifications are made under sub-section (*2*), the budget shall be resubmitted within such period as may be prescribed to the Panchayat Samiti.

(*4*) No expenditure shall be incurred unless the budget is approved by the Panchayat Samiti;

Provided that if the Panchayat Samiti fails to convey its approval within the period prescribed for the prupose, the budget will be deemed to have been approved.

Audit.

44. (*1*) The accounts of every Gram Panchayat shall be audited annually in such manner as may be prescribed.

(*2*) The audit shall be carried out by the Assistant Commissioner or such other officer as the Deputy Commissioner may appoint in this behalf and the Assistant Commissioner or other officer shall within one month of the completion of the

audit, forward copies of the audit report to the Deputy Commissioner and the Gram Panchayat.

(*3*) The Deputy Commissioner may after considering the report and after making such further enquiry as he may consider necessary, disallow any item which appears to him contrary to law and surcharge the same on the person making or authorising the illegal payment, and shall—

(*a*) if such person is a member of the Gram Panchayat, proceed against him in the manner specified in sub-sections (*2*) and (*3*) of section 49; and

(*b*) if such person is not a member of the Gram Panchayat obtain the explanation of the person and direct such person to pay to the Gram Panchayat the amount surcharged within a specified period and if the amount is not paid within the specified period, the Deputy Commissioner shall cause it to be recovered as an arrears of land revenue and credit it to the Gram Fund.

(*4*) Any person aggrieved by an order of the Deputy Commissioner under sub-section (*3*) may within thirty days of the date of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.

Administration report.

45. (*1*) Every Gram Panchayat shall submit annually to the Assistant Commissioner a report on the Administration of the Gram Panchayat during the previous year.

(*2*) The report shall be prepared by the Pradhan and after it is approved by the Gram Panchayat, shall be forwarded to the Assistant Commissioner with a copy of the resolution of the Gram Panchayat thereon.

CHAPTER VI

CONTROL OF GRAM PANCHAYAT

Power to call for proceedings etc.

46. The Deputy Commissioner or the Assistant Commissioner shall have power—

(*a*) to call for —

(*i*) any extract from the proceedings of a Gram Panchayat or any book, record, correspondence or documents in the possession or under control of a Gram Panchayat;

(*ii*) any return, plan, estimate, statement, account or report for the purpose of inspection or examination; and

(*b*) to require a Gram Panchayat to take into consideration—

(*i*) any objection which appears to the Deputy Commissioner or the Assistant Commissioner to exit to the doing of anything which is about or is being done by such Gram Panchayat, or

(*ii*) any information which the Deputy Commissioner or the Assistant Commissioner is able to furnish and which appears to the Deputy Commissioner or the Assistant Commissioner to necessitate the doing of a certain thing by the Gram Panchayat.

and to make written reply to the said Deputy Commissioner or the Assistant Commissioner as the case may be within a reasonable time, stating its reasons for not desisting from doing such things.

Default in performance of duty by Gram Panchayat.

47. If, at any time it appears to the Assistant Commissioner that a Gram Panchayat has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may by order in writing, fix a period for the performance of that duty. If the duty is not performed within the period so fixed, Assistant Commissioner may appoint any person to perform it, and direct that the expenses of the performance of such duty shall be paid by the defaulting Gram Panchayat within such period as the Assistant Commissioner may think fit.

Suspension of execution of order on resolution of Panchayat.

48. (*1*) If, in the opinion of the Assistant Commissioner, the execution of any order or resolution of a Gram Panchayat or the doing of anything which is about to be done or is being done by or on behalf of a Gram Panchayat is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(*2*) When the Assistant Commissioner makes an order under sub-section (*1*), he shall forthwith send to the Gram Panchayat affected thereby a copy of the order together with a statement of the reasons for making it.

(*3*) The Assistant Commissioner shall forthwith submit to the Deputy Commissioner a report of the circumstances in which the order was made under this section and the Deputy Commissioner may after giving notice to the Gram Panchayat and making such inquiry as he deems fit, rescind, modify or confirm the order.

Liability of members for loss, water or misapplication.

49. (*1*) Every member of a Gram Panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the Gram Sabha to which he has been a party or which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

(*2*) If after giving the member concerned a reasonable opportunity for showing cause to the contrary the Assistant Commissioner is satisfied that the loss, waste or misapplication of any money or other property of the Gram Sabha is a direct consequence of misconduct or wilful neglect on his part he shall, by order in writing, direct such member to pay to the Gram Panchayat before a fixed date, the amount required to reimburse it for such loss, waste or misapplication:

Provided that no such order shall be made for bonafide or technical irregularities or mistake of a member.

(*3*) If the amount is not so paid, the Assistant Commissioner shall recover it as an arrears of land revenue and credit it to the Gram Fund.

(*4*) An order of the Assistant Commissioner shall be subject to an appeal to the Deputy Commissioner if made within thirty days of the date of the order.

Dissolution of Gram Panchayat.

50. (*1*) If in the opinion of the Administrator, a Gram Panchayat—

(*a*) exceeds or abuses its powers ; or

(*b*) is imcompetent to perform or makes wilful and persistent default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or

(*c*) fails to levy the taxes leviable under this Regulation, or

(*d*) persistently disobeys the order of the Assistant Commissioner made under sub-section (*2*) of section 48, the Administrator may, by order published in the Official Gayette dissolve the Gram Panchayat.

(*2*) No order under sub-section (*1*) shall be passed without giving to the Gram Panchayat a reasonable opportunity to render an explanation.

(*3*) If a Gram Panchayat is dissolved under sub-section (*1*) the following consequence shall ensue, namely :

(*a*) all the members of the Gram Panchayat shall, from the date specified in the order, cease to be members;

(*b*) all powers and duties of the Gram Panchayat shall during the period of dissolution of the Gram Panchayat, be exercised and performed by such person or persons, appointed by the Administrator in this behalf;

(*c*) the Nyaya Panchayat for the Gram shall be deemed to have been dissolved and all the members of the Nyaya Panchayat shall vacate office as from such date.

(*4*) An election to constitute a Gram Panchayat shall be completed before the expiry of a period of six months from the date of its disso'ution.

Disputes between Gram Panchayats.

51. If any dispute arises between two or more Gram Panchayats, it shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.

Administrator or Deputy Commissioner may call for proceedings.

52. The Administrator or the Deputy Commissioner may call for and examine the record of the proceedings of any officer or Gram Panchayat for the purpose of satisfying himself as to the legality or properiety of any order passed and may revise or modify the order as he may deem fit.

CHAPTER VII

NYAYA PANCHAYAT

Constitution of Nyaya Panchayat.

53. (*1*) There shall be for every Gram a Nyaya Panchayat which shall consist of five persons to be elected by the members of the Gram Panchayat from amongst temselves.

(*2*) Three members of the Nyaya Panchayat shall form the quorum for a meeting.

Oath of office.

54. Every member of a Nyaya Panchayat shall, before entering upon his duties, take the oath of office in the form set out in the First Schedule before the Assistant Commissioner.

Election of Sarpanch and Up-sarpanch.

55. Every Nyaya Panchayat shall elect from amongst its members a Sarpanch and an Up-sarpanch who are able to read and write Hindi or any of the language in use in the Gram for which the Nyaya Panchayat has been constituted.

Term of office.

56. The term of office of every member of a Nyaya Panchayat shall be coterminous with the term of the Gram Panchayat :

Provided that the Sarpanch and the up-sarpanch shall continue in office until they are relieved by their respective successors.

Judical Clerk.

57. The Secretary of the Gram Panchayat shall be ex-officio Judicial clerk of the Nyaya Panchayat for the purposes of recording its proceedings and decisions and performing such other duties as may be prescribed.

Seal of Nyaya Panchayat.

58. Every Nyaya Panchayat shall have a seal bearing its name, the name of the Tehsil and the District in which it is constituted, and all its decrees, order proceedings and processes shall bear the seal of the Nyaya Panchayat.

Resignation of member.

59. The Sarpanch and the up-sarpanch or a member of a Nyaya Panchayat may resign his office by giving a notice in writing under his hand to the Assistant Commissioner and his office shall thereupon become vacant.

Removal of member from Nayaya Panchayat.

60. (*1*) The Deputy Commissioner may, after giving him an opportunity of being heard and for reasons to be recorded remove any member of a Nyaya Panchayat if in his opionion, such member has been guilty of misconduct in the discharge of his duties.

(*2*) Any person aggrieved by an order of the Deputy Commissioner under sub-section (*1*) may, within thirty days of the date of the order, appeal to the Administrator whose decision thereon shall be final.

Filling of casual vacancies.

61. Any vacancy arising in the office of a member of Nyaya Panchayat shall be filled by election and the members so elected shall hold office for so long as the member in whose place he has been elected would have held office if the vacancy had not occurred.

CHAPTER VIII

POWERS OF NYAYA PANCHAYAT

Powers of Nyaya Panchayat.

62. A Nyaya Panchayat may exercise such of the powers mentioned in section 63 and 65 as the Administrator may, by general or special order, specify.

Powers of Nyaya Panchayat to take cognizance of suits.

63. Subject to the provisions of section 62, a Nyaya Panchayat may take cognizance of all or any of the follwing suits namely :—

(*a*) suits for money due or contract not affecting any interest in immovable property;

(*b*) suits for recovery of movable property or for the value thereof;

(*c*) suits for compensation for wrongfully taking injuring movable property;

(*d*) suits for damages caused to standing crops by cattle tresspass;

Where the amount of value of the claim does not exceed Rs. 100/-.

Suits not triable by Nyaya Panchayat.

64. A Nyaya Panchayat shall not have jurisdiction to try any suit :—

(*a*) On a balance of partnership account;

(*b*) for a share or part of a share under any intestacy or for a legacy or part of a legacy under a will;

(*c*) by or against the Government or any local authority or an officer or servant of the Government or a member, officer or servant of a local authority in his official capacity;

(*d*) by or against a minor or a person of unsound mind.

Offences cognizable by Nyaya Panchayat.

65. Subject to the provisions of section 62, a Nyaya Panchayat may take cognizance and try all or any of the offences specified in the Third Schedule including abetment of, and attempts to commit, such offences.

certain offences not to be tried by a Nyaya Panchayat.

66. No Nyaya Panchayat shall take congizance of any criminal case against a person where such person—

(*a*) has been previously convicted of an offence punishable with imprisonment of either description for a term of 3 years or upwards;

(*b*) has been previously fined for theft by any Nyaya Panchayat.;

(*c*) has been bound over to be of good behaviour under section 109 or section 110 of the Code of Criminal Procedure 1973.

(*d*) has been previously convicted under the Public Gambling Act, 1867 or the Andaman and Nicobar Islands Gambling Regulation, 1951 (II of 1951).

(*e*) is a public servant.

Res-Judicate and pending suits.

67. (*1*) No Nyaya Panchayat shall try any suit or issue in respect of any matter which is pending for decision in or has been heard and decided by, a court of competent jurisdiction in a former civil suit between the same party or between parties under whom they or any of them claim.

(*2*) Where an accused person has been tried for any offence, no Nyaya Panchayat shall take cognizance of such offence or on the same facts of any other offence of which the accused might have been charged or convicted.

Effect of decision.

68. The decision of a Nyaya Panchayat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.

Maximum penalties.

69. (*1*) The maximum penalties which may be imposed by a Nyaya Panchayat and the offences for which they may be imposed shall be as specified in the fourth Schedule.

(*2*) No sentence of imprisonment, whether substantive or in default of payment of fine, shall be imposed by a Nayaya Panchayat.

Youthful offenders.

70. Instead of passing any sentence, a Nyaya Panchayat may discharge after due admonition, a youthful offender who in the opinion of such Nyaya Panchayat, is, at the time of conviction for the offence, under the age of sixteen years.

Compensation to complainants.

71. In inflicting any fine under section 69, a Nyaya Panchayat may direct that the whole or any portion of the time recovered shall be applied—

(*a*) towards defraying the expenses properly incurred in the case by the complaint. or

(*b*) in giving compensation to a person for any material loss or damage caused to him by reason of the commission of the offence.

Compensation to accused.

72. A Nyaya Panchayat may, if it is satisfied after enquiry that a case brought before it, is false, frivolous or vexatious, order the complainant to pay the accused such compensation not exceeding rupees fifty as it thinks fit.

Security for keeping the peace.

73. (*1*) Whenever the Sarpanch has reason, to apprehend that any person within the jurisdiction of the Nyaya Panchayat is likely to commit a breach of the peace of disturb public tranquility; he may, by order in writing, require such person to show cause why he should not be ordered to execute a bond with or without sureties for an amount not exceeding rupees one hundred for keeping the peace for a period not exceeding 15 days. The Sarpanch shall, after issue of such notice, refer the matter to the Nyaya Panchayat.

(*2*) If the Nyaya Panchayat is satisfied that it is necessary for keeping the peace that the person in respect of whom the notice has been issued should execute a bond with or without sureties, the Nyaya Panchayat shall make an order accordingly;

Provided that when the person in respect of whom the enquiry is made, is a minor the bond shall be executed by his sureties.

(*3*) if the Nyaya Panchayat is satisfied that it is not necessary for keeping the peace that such person should execute a bond the Nyaya Panchayat shall make an order accordingly and shall discharge him.

(*4*) Nothing contained in this section shall affect the powers of a Magistrate to take security for keeping the peace under section 107 of the Code of Criminal Procedure, 1973.

Contempt of Nyaya Panchayat.

74. (*1*) if any person intentionally offers any insult to a Nyaya Panchayat or any member thereof, while it is sitting in any stage of a judicial proceeding in its or his view or presence or refuses to take oath duly administered or sign a statement made by the said person when legally required to do so, the Nyaya Panchayat may, at any time before rising on the same, take cognizance of the offence and sentence the offender to a fine not exceeding ten rupees.

(*2*) The fine imposed shall be deemed to be a fine imposed in a case.

Certain persons not to sit on Nyaya Panchayat.

75. (*1*) No member of a Nyaya Panchayat who is a party to or has any intetest in, any suit or case shall sit on the Nyaya Panchayat while it is trying such suit or case.

(*2*) Any dispute as to whether a member is party to, or interested in, a suit or case shall, on a written application by a party to such suit or case, be referred to the Assistant Commissioner for decision, the decision of the Assistant Commissioner; thereon shall be final.

Absence of member at hearings.

76. (*1*) If any member of a Nyaya Panchayat is absent from any hearing the remaining members may, notwithstanding anything contained in this Regulation, try the suit or case, provided that at least three members are present.

(*2*) No trial so aforesaid shall be invalid by reason merely that all the members were not present at any hearing or that some of the members were not present at all the hearings, of such trial.

Conduct of business of Nyaya Panchayat.

77. Save as otherwise provided in this Regulation, the Administrator may make rules to regulate—

(*a*) the conduct and distribution of business in and proceedings before a Nyaya Panchayat;

(*b*) the times and places of sittings of a Nyaya Panchayat; and

(*c*) any other matter which in the opinion of the Administrator is necessary for the proper and efficient conduct of proceedings before a Nyaya Panchayat.

CHAPTER IX

PROCEDURE IN CASES AND SUITS

Suits and cases how instituted.

78. (*1*) Any person who wishes to institute a suit or a case before a Nyaya Panchayat shall make an application orally or in writing to the Sarpanch or, in his absence, to such other member of the Nyaya Panchayat as the Sarpanch may have appointed for the purpose and shall at the same time pay the prescribed fees.

(2) Where the suit or case is instituted orally, the Sarpanch or other member shall without delay record the sub-stance of the application in the prescribed register and obtain signature or thumb impression of the applicant thereon.

Suits to include the whole claim.

79. (*1*) Every suit instituted before a Nyaya Panchayat shall include the whole of the claim which the plaintiff if entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to being any suit within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of or relinquishes any portion of his claim he shall not afterwards sue in respect of the portion so omitted or relinquished.

Limitations

80. No suit shall be entertained by a Nyaya Panchayat after the expiration of one year from the time when the right to sue first accrued.

Complainant or plaintiff to attend next sitting of Nyaya Panchayat

81. Every case or suit instituted shall be brought before the Nayaya Panchayat at its next sitting and the complainant or the plaintiff as the case may be, shall, at the time of making the application, be informed of the time and place fixed for such sitting and directed to attend at that time and place.

Summons to be issued to accused or defendant.

82. The Nyaya Panchayat after hearing the application shall cause a written summons in the prescribed form to be served on the accused or defendant, as the case may be requiring him to attend and produce his evidence at such time and time and place as may be stated in the summons and shall, at the same time direct the complainant or plaintiff to attend and produce his evidence at such time and place :

Provided that the Panchayat may, after hearing the application and examining the complainant or the plaintiff, refuse to issue a summon and dismiss the complaint or suit, if it is satisfied that the case or suit is frivolous, vexatious or untrue.

Summons to witnesses.

83. (1) A Nyaya Panchayat may, if it considers the evidence of, or the production of document by, any person necessary in a case or suit, issue summons to such person requiring him to attend or to produce or cause the production of such document and such person shall be bound to comply with the directions contained in the sumons.

(2) A Nyaya Panchayat may refuse to summon a witness or to enforce a summon already issued against a witness where in its opinion the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances would be unreasonable.

Service of summons

84. (1) Every summons shall be in duplicate, signed by the presiding member of the Nyaya Panchayat and be served in the manner prescribed.

(2) If the defendant or accused is at the time of the issue of summons outside the Gram, the summons may be forwarded by the Nyaya Panchayat to the Assistant Commissioner who shall cause the sommons to be served as if it were a summons from his own court.

Pleaders, etc excluded from appearance.

85. (1) No pleader or vakil or advocate shall be permitted to appear on behalf of any party to any case or suit before the Nyaya Panchayat:

Provided that any party to any such case or suit may be permitted, on reasonable cause being shown to the satisfaction of the Nyaya Panchayat to employ any relation, servant dependant or friend who is not, and who has not previously a pleader or vakil or an advocate to appear in lieu of such party.

(2) When a relation servant dependant or friend appears in lieu of a party, he shall be furnished by such party with a written authority defining the extent to which he is empowered to act.

Adjournment.

86. A Nyaya Panchayat may, from time to time, adjourn the hearing of any case or suit:

Provided that such adjournment is, in its opinion, unavoidable or necessary for a just and equitable decision of the case or suit.

Disposal of cases and suits in absence of party concerned.

87. (1) If the complainant or plaintiff fails to appear after having been informed of the time and place fixed for the hearing, the Nyaya Panchayat may hear and decide the case or suit in his absence.

(2) A Nyaya Panchayat may hear and decide a case or suit in the absence of the accused or the defendant, if a summons has been served upon him in the manner herein before prescribed:

Provided that no sentence shall be passed by a Nyaya Panchayat on any accused unless he has appeared either in person or by a representative, before the Nyaya Panchayat and the substance of his statement has been recorded in the prescribed register.

(3) If after the service of summons upon him, an accused fails to appear either in person or by a representative, the Nyaya Panchayat may apply to the Sessions Judge who shall compell the accused to appear in person or by his representative before the Nyaya Panchayat as if he were a Court trying the case.

(4) Where an accused person has, under sub-section (3), been compelled to appear before a Nyaya Panchayat, the Nyaya Panchayat shall forthwith take his statement and thereafter his attendance at the hearing of the case shall not be compulsory.

Compromise of suits and compromising of cases.

88. (1) Where it is provided to its satisfaction that a suit has been adjusted wholly or in part by any lawful agreement, compromise or satisfaction, the Nyaya Panchayat shall order such agreement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith, so far as it relates to the suit.

(2) A Nyaya Panchayat may permit any case to be compounded :

Provided that the offence is compoundable under the code of Criminal Procedure, 1973.

Death of parties.

89. When any party to a suit dies before a decree has been passed, the suit shall abate but a fresh suit may be brought on the same cause of action and the period during which the suit was pending shall be excluded in computing the period of limitation for the fresh suit.

Decision on facts ascertained.

90. (*1*) It shall be the duty of a Nyaya Panchayat to ascertain the facts of the case or suit before it after holding an inquiry in accordance with the precision of this Regulation and the rules made thereunder.

(*2*) Nothing contained in any law relating to evidence or procedure shall affect the powers of a Nyaya Panchayat to hold such inquiry.

(*3*) After holding such inquiry· a Nyaya Panchayat may pass such order or decree as may in its opinion seem just and equitable and such order or decree shall state the finding and record a brief statement of the reasons therefor.

Decision by Majority

91. The decision of Nyaya Panchayat shall be in accordance with the opinion of the majority of such members. If the members are equally divided· the person presiding shall have a second or casting vote.

Interest and instalments.

92. (*1*) In suits for money, a Nyaya Panchayat may in its discretion, direct payment of interest on the sum decreed, at a rate not exceeding six percent per annum, from the date of the decree until the date of payment and of any fees which may be prescribed.

(2) When a Nyaya Panchayat decrees the payment of sum of money in suit· it may direct that it be paid by instalments, without interest or with interest not exceeding the above rate.

Nyaya Panchayat not to revise or alter its decision.

93. (*1*) Except as provided in sub-section (2), a Nyaya Panchayat shall not have power to cancel, revise or alter any decree or order passed by it.

(*2*) On an application made within one month from the date of the decree of a Nyaya Panchayat, the Nyaya Panchayat may for reasons to be recorded in writing restore any suit which has been dismissed for default or in which an ex-parte decree has been passed against the defendant.

No appeal against decree or order of Nyaya Panchayat but revision lies.

94. (*1*) On an application made by any of the parties or on his own motion the District Judge in a suit and the sessions Judge in a case may call for and examine the record or proceedings held by such Nyaya Panchayat.

(*2*) If it shall appear to the District Judge or the Sessions Judge that the decree order or proceedings so called for should be modified, cancelled or reversed· he may pass such order as he may deem fit.

(3) The period for filling an application by any of the parties under sub-section (1) shall be thirty days from the date of the decree or order.

Reference @by Nyaya Panchayat to District os Sessions Judge.

95. (*1*) When any Nyaya Panchayat is of opinion that any suit or case before it, is of such nature, intricacy or importance that it ought to be tried by a court or that the acused in a case ought to receive a punishment different in kind from, or more severe than, that which such Nyaya Panchayat is empowered to inflict, it shall stay proceedings and refer the suit or the case to the District Judge or the Sessions Judge, as the case may be, for orders.

(*2*) If the District Judge or the Sessions Judge is of opinion that a suit or case is of such nature, intricacy or importance that it ought not to be tried by the Nyaya Panchayat or that the accused in a case ought to receive a punishment different in kind from or more severe than, that which such Nyaya Panchayat is empowered to inflict, such Judge shall pass orders directing the plaintiff or complainant to the Civil or Criminal Court as the case may be competent to take cognizance of such suit or case.

(3) If the District Judge or the Sessions Judge is of opinion that the suit or case is not of such nature, intricacy or importance that it ought to be tried by a Court, or that the accused in the case ought not to receive a punishment different in kind from· severe than that which such Nyaya Panchayat is empowered inflict, such Judge shall return the suit or case of the Nyaya Panchayat which made the reference for disposal.

Sessions Judge and District Judge may quash proceedings

96. (1) The Sessions Judge in any case or the District Judge in any suit may at any time, by order in writing, quash any proceedings of a Nyaya Panchayat at any stage or cancel any order decree passed by the Nyaya Panchayat

(2) When an order has been passed by the District Judge under sub-section (1), in respect of any suit the plaintiff may institute a fresh suit for the same civil court, and the period from the date of the institution of the suit before the Nyaya Panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh suit

(3) When an order has been passed by the Sessions Judge under sub-section (1)· in respect of any case, proceedings in respect of the same offence may be instituted in the court of a Magistrate having Jurisdiction.

Finality of orders and decrees

97. Every order passed by a District Judge or a Session Judge under this Regulation shall be final and shall not subject to appeal· revision or review.

Procedure in proceedings before the District Judge.

98. Subject to the provisions of this Regulation in regard to all proceedings under this regulation, the Sessions Judge and the District Judge shall have the same powers and follow the same procedure as they respectively have and follow in regard to proceedings in connection with orders decrees of courts subordinate to them in their ordinary jurisdiction.

Bar of jurisdiction of courts

99. Save as otherwise provided, no court shall take cognizance of any offence or entertain any suit cognizable by the Nyaya Panchayat under this Regulation unless the Sessions or the District Judge has passed an order in writing under section 95 or 96.

Suits, etc pending at expiry of term of dissolution of Nyaya Panchayat

100. Where the term of a Nyaya Panchayat has expired or a Nyaya Panchayat is deemed to have been dissolved under section 50—

(a) all cases and suits pending before the Nyaya Panchayat on the date of such expiry or dissolution shall—

(i) if a new Nyaya Panchayat is constituted, be heard by it denovo, or

(ii) in other cases, be deemed to have been quashed under sub-section (1) of section 96 and the provisions of sub-section (2) or sub-section (3) as the case may be, of that section shall apply thereto

(b) all pending proceedings and applications for the recovery of fine or compensation in cases, or for the execution of decrees or orders in suits shall be transferred to the competent court having jurisdiction to try the case or suit and such court shall deal with the proceedings or application as if the case or suit out of which the proceedings or applications arose had been heard and decided by the such court

Satisfaction or adjustment of decree to be recorded

101. If on application of a decree-holder or judgement debtor, a Nyaya Panchayat after enquiry, finds that the decree has been satisfied or adjusted wholly or in part, the Nyaya Panchayat shall record the fact in the prescribed register,

Execution through the Assistant Commissioner.

102. (1) If, after a period of one month from the date of a decree· the decree remains unsatisfied or unadjusted, in whole or in part the decree holder may, within one year of the date of the decree, apply to the Nyaya Panchayat for execution

(*2*) On the application of execution the Nyaya Panchayat shall certify to the Assistant Commissioner that the decree remains unsatisfied or unadjusted in whole or in part and on receipt of such certificate the Assistant Commissioner shall—

(*a*) if the decree is for money, proceed to recover it as if it were an arrear of land revenue, or

(*b*) if the decree is for any specified movable property cause the decree to be executed as if it were a decree of a civil court and in so acting he may exercise all the powers of a civil court.

Mode of recovery, fine or compensation.

103. If the amount of fine or compensation under this Regulation is not fully paid, the Nyaya Panchayat shall certify accordingly to the Assistant Commissioner and on receipt of such certificate, the Assistant Commissioner proceed to recover it as if it were an arrear of land revenue and shall remit the amount so recovered to the Nyaya Panchayat.

Compensation when realised to be recorded.

104. As soon as the amount of fine or compensation referred to in section 103 is realised by the Nyaya Panchayat, the amount so realised shall be entered in the prescribed register.

Submission of annual report.

105. Every Nyaya Panchayat shall submit its annual report to the Administrator in such form and before such date as may be prescribed.

CHAPTER X
PANCHAYAT SAMITIS

Constitution of Panchayat Samitis.

106. The Administrator shall by notification in the Official Gazette constitute for the blocks in the Union territory to which this Regulation applies Panchayat the intermediate level to be called Panchayat Samitis.

Composition of Panchayat Samitis.

107. (*1*) Every Panchayat Samiti shall consist of such number of seats as the Administrator may by notification determine.

(*2*) The seats in the Panchayat Samiti shall be filled by person chosen by direct election from the territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall so far as practicable be the same throughout the Panchayat Samiti area.

(*3*) The following persons shall also be represented in the Panchayat Samiti namely :—

(*a*) a proportion of the Pradhans of the Gram Panchayat in the Panchayat Samiti to be determined by order of the Administrator and by rotation for such period as may be prescribed :

Provided that while nominating the Pradhans by rotation the Administrator shall ensure that as far as possible all the Pradhans are given the opportunity of being represented in the Panchayat Samiti at least once during its duration; and

(*b*) the Member of the House of Parliament representing the Union territory.

who shall have the right to vote in the meetings of the Panchayat Samiti.

(*4*) The provisions of sub-sections (5), (6), (7) and (8) of section 11 shall so far as may be apply to the Panchayat Samiti as they apply to a Gram Panchayat subject to the modification that for the words "Gram Panchayat" wherever they occur, the words "Panchayat Samiti" had been substituted.

Incorporation of Panchayat Samitis.

108. Every Panchayat Samiti shall, by the name notified in the Official Gazette under section 106 be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation or under any other law for the time being in force, have power to acquire, hold, administer and transfer property, both movable and immovable and to enter into contract and shall, by the said name sue or be sued.

Persons qualified to vote and be elected.

109. (*1*) Every member of the Gram Sabhas constituting the Panchayat Samiti shall· unless disqualified under this Regulation or any other law for the time being in force· be qualified to vote at an election to the Panchayat Samiti.

(*2*) Every member of the Gram Sabhas constituting the Panchayat Samiti shall· unless disqualified under this Regulation or any other law for the time being in force· be qualified to be elected to the Panchayat Samiti.

Disqualification.

110. No person shall be a member of a Panchayat Samiti or continue as such if he—

(*a*) has failed to pay any tax, fee or other sum due to the Gram Panchayat or Panchayat Samiti or Zilla Parishad within three months from the date on or before which such tax, fee or other sum is required to be paid, or

(*b*) holds any salaried office or place of profit under the Gram Sabha or Gram Panchayat or Panchayat Samiti or Pradesh Panchayat, or

(*c*) has directly or indirectly any share or monetary interest in any work done by or to the Panchayati Samiti or in any contract or employment with or under or by or on behalf of the Panchayat Samiti or

(*d*) is a servant of the Government or any municipality, or

(*e*) has been dismissed from service of the Government or a municipality for misconduct, or

(*f*) has been ordered to give security for good behaviour under section 109, 110 of the Code of Criminal Procedure· 1973, or

(*g*) has been convicted by a criminal court of any offence involving violence or moral turpitude and sentenced to imprisonment for not less than three months and a period of five years have not elapsed since, his release after undergoing such imprisonment.

(*h*) has not attained the age of 21 years, or

(*i*) is of an unsound mind and has been so declared by a competent Court. or

(*j*) has been declared by a competent court to be an insolvent or has been disqualified under any law relating to elections for the time being in force by a competent court for adopting a corrupt practice or for commission of an election offence for the period of such disqualification, or

(*k*) subject to clause (*h*) is so disqualified by or under any law for the time being in force for the purposes of election of the House of the People.

Decision on questions as to disqualification.

111. If any question arises whether a person has become subject to any disqualification referred to in section 4, section 7 or section 110 it shall be referred to the Chief Secretary, for decision and his decision thereon shall be final :

Provided that before giving any decision on any such question the Chief Secretary shall obtain the opinion of the Election Commission and shall act according to such opinion.

Election of Pramukh and Up-Pramukh.

112. (*1*) On the constitution of a Panchayat Samiti for the first time under this Regulation or on the expiry of the term of a Panchayat Samiti or on its reconstitution, a meeting shall be called on a date fixed by the Deputy Commissioner for the election of the Pramukh and the Uppramukh by and a from amongst the elected members of the Panchayat Samiti.

(*2*) The Deputy Commissioner shall preside at such meeting but not have the right to vote.

(*3*) No business other than the election of the Pramukh and Uppramukh shall be transacted at such meeting.

(4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the Deputy Commissioner in such manner as he may determine.

(5) Subject to any general or special order of the Administrator, the Deputy Commissioner shall reserve—

(a) the number of offices of Pramukhs in the Panchayat Samitis for the Scheduled Tribes which shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayat Samitis as the population of the Scheduled Tribes in the area of the Union territory to which this Regulation applies bears to the total population of such area ;

(b) not less than one-third of the total number of offices of Paramukh is the Panchayat Samitis for women :

Provided that the offices reserved under this sub-section shall be allotted by the election Commission by rotation to different Panchayat Samitis in such manner as may be prescribed.

Executive power of the Panchayat Samiti.

113. The executive powers of the Panchayat Samiti under this Regulation and the responsibility for the due fulfilment of the duties imposed on the Panchayat Samiti under this Regulation and for carrying out the resolutions of the Panchayat Samiti shall vest in the Pramukh.

Term of office of Panchayat Samiti.

114. (1) The Panchayat Samiti unless sooner dissolved under any law for the time being in force, shall continue in office for five years from the date appointed for its first meeting and no longer.

(2) An election to constitute a Panchayat Samiti shall be completed:

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat Samiti would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Panchayat Samiti :

(3) A Panchayat Samiti constituted upon the dissolution of a Panchayat Samiti before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat Samiti would have continued under sub-section (1) had it not been so dissolved.

Oath of office.

115. (1) As soon as may be after the first meeting of the Panchayat Samiti every member thereof shall take oath of office before the Deputy Commissioner in the form set our in the First Schedule.

(2) No member of the Panchayat Samiti who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any committee constituted by the Panchayat Samiti.

Resignation of office.

116. (1) Any member of a Panchayat Samiti may resign his office by giving notice in writing to that effect to the Pramukh and such resignation shall take effect from the date of its receipt by the Pramukh.

(2) The Upapramukh may resign his office by giving notice in writing to the Pramukh, but the resignation shall not take effect until it is accepted by the Panchayat Samiti.

(3) The Pramukh may resign his office by giving notice in writing to that effect to the Deputy Commissioner, but the resignation shall not take effect until it is accepted by him.

Motion of no confidence.

117. (*1*) A motion of no-confidence may be moved by any member of a Panchayat Samiti against the Pramukh or the Upapramukh after such notice thereof as may be prescribed.

(*2*) If the motion is carried by a majority of not less than two-thirds of the total number of members of the Panchayat Samiti, the Pramukh or Up-Pramukh, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

(*3*) Notwithstanding any thing contained in this Regulation, the Pramukh or Upapramukh shall not preside over a meeting in which a motion of no-confidence is discussed against him but he shall have the right to speak or otherwise take part in the proceedings of such meeting.

Casual vacancy.

118. Any casual vacancy in the office of the Pramukh, the Upapramukh or a seat of a Panchayat Samiti shall be filled for the remainder of the term by election in accordance with the provisions of this Regulation:

Provided that in case of a seat or the office of Pramukh reserved for Scheduled Tribe or Woman, no person other than a member of the Scheduled Tribes or a Woman, as the case may be, shall be qualified to be chosen to fill such vacancy.

Staff of Panchayat Samiti.

119. (*1*) The Administrator shall appoint a Group A Officer of the Andaman and Nicobar Administration to be the Executive Officer for every Panchayat Samiti.

(*2*) The Government may post from time to time to work under every Panchayat Samiti such number of officers and officials of Group A or B or C or D services of the Andaman and Nicobar Administration (including any officer and offcial appointed to such service from amongst persons employed by existing local authorities) to serve under the Panchayat Samiti as the Administrator considers necessary.

(*3*) Notwithstanding anything contained in this Regulation or any other law for the time being in force, the Administrator or any officer or other authority authorised by him in this behalf shall have the power to effect transfer of the officers and officials so posted from one Samiti to another Samiti.

Functions of the Executive Officer and other officers.

120. (*1*) Save as otherwise expressly provided by or under this Regulation, the Executive Officer shall—

(*a*) exercise all the powers specifically imposed or conferred upon him by or under this Regulation or under any other law for the time being in force;

(*b*) lay down the duties and supervise and control officers and officials of, or holding office under the Panchayat Samiti in accordance with rules made by the Administrator;

(*c*) supervise and control the execution of all works of the Panchayat Samiti;

(*d*) take necessary measures for the speedy execution of all works and developmental schemes of the Panchayat Samiti;

(*e*) have custody of all papers and documents connected with the proceedings of the meetings of the Panchayat Samiti and of its committees;

(*f*) draw and disburse monies out of the Panchayat Samiti Fund; and

(*g*) exercise such other powers and discharge such other functions as may be prescribed.

(*2*) The Executive Officer shall attend every meeting of the Panchayat Samiti and shall have the right to attend the meeting of a committee thereof and to take part in the discussion but shall not have n the right to move any resolution or to vote. If in the opinion of the Executive Officer any proposal before the Panchayat

Samiti is violative of or inconsistent with the provisions of this Regulation, or any other law, rule or order made thereunder, it shall be his duty to bring the same to the notice of the Panchayat Samiti.

Meeting of Panchayat Samiti.

121. (*1*) The time and place of meetings of a Panchayat Samiti and the procedure for such meetings shall be such as may be prescribed.

(*2*) A member of a Panchayat Samiti may, at any meeting, move any resolution and put questions to the Pramukh or the Upapramukh on matters connected with the administration of the Panchayat Samiti in the manner prescribed.

(*3*) No resolution of a Panchayat Samiti shall be modified, amended, varied or cancelled by the Panchayat Samiti within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Panchayat Samiti.

Committees.

122. (*1*) Subject to such control and restrictions as may be prescribed, a Panchayat Samiti may appoint committees for exercising such of its powers and discharging such of its duties and functions as it may specify.

(*2*) A Committee may consist of not more than five members and may be dissolved or re-constituted for such reasons and in such manner as may be prescribed.

Proceeding not to be invalid.

123. No act or proceedings of a Panchayat Samiti or of any of its committees shall be deemed to be invalid by reason only of the existence of any vacancy or defect in the constitution of the Panchayat Samiti or of the committee or of any informity in its proceedings.

Duties and function

124. (*1*) The Panchayat Samiti shall have such powers and authority as the Administrator may, by order, published in the Official Gazette, deem necessary and may specify so as to enable it to function as an institution of self Government in respect of the preparation of plans for economic development and social justice in relation to the matters listed in the Fifth Schedule.

(*2*) The Panchayat Samiti may also make provision for carrying out within the area of its jurisdiction any other work or measure which is likely to promote the health, safety, education, comfort, convenience, social or economic well being of the persons residing in its jurisdiction, and may do all things necessary for the maintenance and repair thereof, and in particular may—

(*a*) widen, open, enlarge, or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads ;

(*b*) deepen or otherwise improve any water course and other property mentioned in clause (*c*) of sub-section (*1*) of section 130· and

(*c*) cut any hedge branch of any tree projecting on any such road or street.

(*3*) The Panchayat Samiti may also have control of all roads, streets, waterways, bridges and culverts (which are situated within its jurisdiction not being private property or not being the property for the time being under the control of the Government) and may do all things necessary for the improvement, maintenance and repair thereof, and in particular may—

(*a*) lay out and make new roads and streets; and

(*b*) construct new bridges and culverts.

Transfer of any work or institutio n to Pancha - yat Samit i.

125. The Administrator may entrust to the Panchayat Samiti the execution, maintenance or repair of any work or the management of any institution on behalf of the Government or such local authority :

Provided that the funds necessary for the execution or repair of the work or the management of the institution so entrusted to the Panchayat Samiti shall be placed at the disposal of the Panchayat Samiti by the Government or such local authority.

Execution of contract.

126. Every contract or agreement entered into by a Panchayat Samiti shall be in writing and shall be signed by the Pramukh and by two other members of the Panchayat Samiti and sealed with the common seal of the Panchayat Samiti.

Panchayat Samiti Fund.

127. (*1*) There shall be a Panchayat Samiti Fund for each Panchayat Samiti for crediting moneys by or on behalf of the Panchayat Samiti or for withdrawals of such moneys therein;

(*2*) The following shall be credited to and form part of the Panchayat Samiti Fund, namely :—

(*a*) the proceeds of any tax or fee imposed under section 128;

(*b*) the contribution made by the Government or any local authority or person;

(*c*) all sums ordered by any authority or court to be credited to the Panchayat Samiti Fund ;

(*d*) the income from securities in which the Panchayat Samiti Fund is invested;

(*e*) the share in the collection of land revenue or other dues of the Government;

(*f*) all sums received by way of loans or gifts;

(*g*) the income derived from fisheries under the management of the Panchayat Samiti;

(*h*) the income from or proceeds of any property of the Panchayat Samiti;

(*i*) the sale proceeds of all dust, dirt, dung or refuse collected by the servants of the Panchayat Samiti;

(*j*) sums assigned to the Panchayat Samiti Fund by any general or special order of the Administrator;

(*k*) all sums received in aid of or for expenditure on any institution or service maintained or financed from the Panchayat Samiti Fund or managed by the Panchayat Samiti; and

(*l*) grants-in-aid from the Consolidated Fund of India.

(*3*) The amount of the Panchayat Samiti Fund shall be applied subject to provisions and for the purposes of this Regulation and shall be kept in such custody as may be prescribed.

Levy of taxes, duties etc.

128. (*1*) The Panchayat Samiti shall levy, collect, assess and appropriate the following taxes, duties, tolls, cess and fees in accordance with the procedure and subject to such limits as may be prescribed, namely :—

(*a*) toll on persons, vehicles or animals or any class of them at any tollbar established by it on any road other than a kutcha road or any bridge vested in it or under its management ;

(*b*) toll in respect of any ferry established by it or under its management;

(*c*) fees on the registration of vehicles;

(*d*) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction;

(*e*) a fee for licence for a fair or marker;

(*f*) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Panchayat Samiti within its jurisdiction;

(*g*) a lighting rate, where arrangement for lighting on public streets and places is made by the Panchayat Samiti within its jurisdiction :

Provided that the Panchayat Samiti shall not undertake registration of a vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fee therefor if any such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority:

Provided further that the scales of tolls, fees or rates and the terms and conditions for the imposition thereof, shall be such as may be provided by bye-laws; and such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

Grants for general purposes.

129. The Administrator may, subject to such conditions as he made deem fit, make grants to the Panchayat Samiti for general purposes or for the improvement of the areas falling under the jurisdiction of the Panchayat Samiti and the welfare of the residents therein.

Transfer any work or institution to Panchayat Samiti.

130. (*1*) The Administrator may if he deems fit, place any of the properties, of the nature specified below, and situated within the jurisdiction of the Panchayat Samiti, under the direction, management and control of the Panchayat Samiti, namely :—

(*a*) open sites, vacant and grazing lands not being private property and and river beds;

(*b*) public roads and streets;

(*c*) public channels, watercourses, well, ponds, tanks (except irrigations tanks under the control of the Government), public springs, reserviors, cisterns aquenducts and any adjacent land (not being private property) appertaining to any public tank or pond; and lands appertaining thereto;

(*d*) public sewers, drains, drainage works, tunnels and culverts and things appertaining thereto and other conservancy works;

(*e*) sewerage, rubbish and offensive matters deposited on streets or collected by the Panchayat from streets, latrines, urinals, sewers, cessapools and other places; and

(*f*) public lamps, lamp posts and apparatus connected therewith or appertaining thereto.

(**2**) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Panchayat Samiti and all dues levied or imposed in respect thereof shall be credited to the Panchayat Samiti.

Lease of market etc.

131. It shall be lawful for a Panchayat Samiti to lease by public auction or private contract the collection of any fee on markets and bazars if any such fee is imposed under section 128.

Recovery of tax and other dues

132. (*1*) When any tax or fee or other sum due to a Panchayat Samiti has become payable, the Panchayat Samiti shall, with the least practicable delay, send or cause to be sent to the persons liable for the payment thereof a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of such notice.

(*2*) Every notice of demand under sub-section (*1*) shall be served in such manner as may be prescribed.

(3) If sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, the Panchayat Samiti may apply to the Talisildar concerned for its recovery as an arrears of land revenue.

Accounts.

133. Every Panchayat Samiti shall maintain accounts of its receipts and expenditure in such manner as may be prescribed.

Budget of the Panchayat Samiti.

134. (1) Every Panchayat Samiti shall, at such time and in such manner as may be prescribed prepare in each financial year a budget of its estimates receipts and disbursements for the following financial year and submit the budget to the Zilla Parishad.

(2) The Zilla Parisdah within such time as may be prescribed, either approve the budget or return it to the Panchayat Samiti for such modifications as it may direct.

(3) If any modifications are made under sub-section (2), the budget shall be resubmitted within such period as may be specified by the Zilla Parishad:

Provided that if the approval of the Zilla parishad is not received by the Panchayat Samiti by the last date of the financial year, the budget shall be deemed to be approved.

(4) No expenditure shall be incurred unless the budget is approved by the Zilla Parishad.

(5) The Panchayat Samiti may prepare in each financial year a supplementary estimate providing for any modification of its budget and may sumbit to the Zilla Parishad for approval within such period and in such manner as may be prescribed.

Audit.

135. (1) The accounts of every Panchayat Samiti shall be audited annually in such manner as may be prescribed.

(2) The audit shall be carried out by the Deputy Commissioner or such other officer as the Chief Secretary may appoint in this behalf and the Deputy Commissioner or other officer shall within one month of the completion of the audit forward copies of the audit report to the Chief Secretary and the Panchayat Samiti concerned.

(3) The Chief Secretary may after considering the report and aftermaking such further enquiry as he may consider necessary, disallow any item which appears to him contrary to law and surcharge the same on the person making or authorising the illegal payment, and shall—

(a) if such person is a member of the Panchayat Samiti, proceed against him in the manner specified in sub-sections (2) and (3) of section 140; and

(b) if such person is not a member of the Panchayat Samiti, obtain the explanation of the person and direct such person to pay to the Panchayat Samiti the amount surcharged within a specified period, and if the amount if not paid within the specified period, the Deputy Commissioner shall cause it to be recovered as arrears of land revenue and credit it to the Panchayat Samiti Fund.

(4) Any person aggrieved by an order of the Chief Secretary under sub-section (3) may, within thirty days of the date of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.

Administration report.

136. (1) Every Panchayat Samiti shall submit annually to the Deputy Commissioner a report on the administration of the Panchayat Samiti during the previous year.

(2) The report shall be prepared by the Pramukh and after it is approved by the Panchayat Samiti, shall be forwarded to the Deputy Commissioner with a copy of the resolution of the Panchayat Samiti thereon.

Power to call for proceedings etc

137. The Deputy Commissioner shall have power—

(*a*) to call for—

(*i*) any extract from the proceedings of a Panchayat Samiti or any book, record, correspondence or document in possession of or under control of a Panchayat at Samiti,

(*ii*) any return, plan, estimate, statement, account or report for the purpose of inspection or examination;

(*b*) to require a Panchayat Samiti to take into consideration—

(*i*) any objection with appears to the Deputy Commissioner to exist to the doing of anything which is about to be or is being done by such Panchayat Samiti, or

(*ii*) any information which the Deputy Commissioner is able to furnish and which appears to the Deputy Commissioner to necessitate the doing of a certain thing by the Panchayat Samiti and to make written reply to the said Deputy Commissioner as the case may be within a reasonable time, stating its reasons for not desisting from doing such things.

Default in performance of duty by Panchayat Samitis.

138. If, at any time, it appears to the Deputy Commissioner that a Panchayat Samiti has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may, by order in writing, fix a period for the performance of this duty, If the duty is not performed within the period so fixed, the Deputy Commissioner may appoint any person to perform it and direct that the expenses of the performance of the duty shall be paid by the defaulting Panchayat Samiti within such period as the Deputy Commissioner may think fit.

Suspension of execution of order or resolution of Panchayat Samiti.

139. (*1*) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a Panchayat Samiti or the doing or anything which is about to be done or is being done by or on behalf of a Panchayat Samiti is causing or likely to cause injury or annoyance to the public or to lead to breach of the peace or is unlawful he may, by order in writing suspend the execution or prohibit the doing thereof.

(2) When the Deputy Commissioner makes an order under sub-section (*1*), he shall forthwith send to the Panchayat Samiti affected thereby a copy of the order together with a statement of the reasons for making it.

(*3*) The Deputy Commissioner shall forthwith submit to the Chief Secretary of the Union territory a report of the circumstances in which the order was made under this section and the Chief Secretary of the Union territory may after giving notice to the Panchayat Samiti and making such inquiry as he deems fit, rescind, modify or confirm the order.

Liability of members for loss, wastage or misapplication.

140. (*1*) Every member of a Panchayat Samiti shall be personally liable for the loss, wastage or misapplication of any money or other property of the Panchayat Samiti to which he has been a party or which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

(*2*) If after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Deputy Commissioner is satisfied that the loss, wastage or misapplication of any money or other property of the Panchayat samiti is a direct consequence of misconduct or wilful neglect on his part, he shall by order in writing, direct such member to pay to the Panchayat Samiti before a fixed date, the amount required to reimburse it for such loss, wastage or misapplication :

Provided that no such order shall be made for bonafide or technical irregularities or mistakes of a member.

(3) If the amount is not so paid, the Deputy Commissioner shall recover it as an arrears of land revenue and credit it to the Panchayat Samiti Fund.

(4) An order of the Deputy Commissioner shall be subject to an appeal to the Chief Secretary of the Union territory if made within thirty days of the date of the order.

Dissolution of Panchayat Samiti.

141. (1) If in the opinion of the Administrator, a Panchayat Samiti—

(a) exceeds or abuses its powers; or

(b) is incompetent to perform, or makes wilful and persistent default in the performance of the duties imposed on it by or under this Regulation or any other law for the time being in force; or

(c) fails to levy the taxes leviable under this Regulation; or

(d) persistently disobeys the order of the Deputy Commissioner made under sub-section (2) of section 139, the Administrator may, by order published in the Official Gazette, dissolve the Panchayat Samiti and direct that it shall be reconstituted in the manner provided in this Regulation.

(2) No order under sub-section (1) shall be passed without giving to the Panchayat Samiti a reasonable opportunity to render an explanation.

(3) If a Panchayat Samiti is dissolved under sub-section (1) the following consequences shall ensure, namely :—

(a) all the members of the Panchayat Samiti shall from the date specified in the order cease to be members;

(b) all powers and duties of the Panchayat Samiti shall, during the period of dissolution of the Panchayat Samiti, be exercised and performed by such person or persons as the Administrator may appoint in this behalf;

(c) the committees for the Panchayat Samiti shall be deemed to have been dissolved and all the members of the committees shall vacate office as from such date.

Disputes between Panchayat Samities.

142. If any dispute arises between two or more Panchayat Samities, it shall be referred to the Chief Secretary of the Union territory and decision of the Chief Secretary thereon shall be final.

Chief Secretary or Deputy Commissioner may call for proceedings.

143. The Chief Secretary of the Union territory or the Deputy Commissioner may call for and examine the records of the proceedings of any office of the Panchayat Samiti or Gram Panchayat for the purpose of satisfying himself as to the legality or propriety of any order passed and may revise or modify the order as he may deem fit.

CHAPTER XI

THE ZILLA PARISHAD

Zilla Parishad.

144. The Administrator shall by notification in the official Gazette consitite for the districts in the Union territory to which this Regulation applies, a Panchayat at the district level to be called the Zilla Parishad.

Composition of Zilla Parishad.

145. (1) The Zilla Parishad shall consist of such number of seats as the Administrator may by order determine.

(2) The seats in the Zilla Parishad shall be filled by persons chosen by direct election from the territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall so far as practicable be the same throughout the Zilla Parishad area.

(3) The following persons shall also be represented in the Zilla Parishad, namely:—

(a) all the Pramukhs of the Panchayat Samities;

(b) the Member of the House of Parliament representing the Union territory,

who shall have the right to vote in the meetings of the Zilla Parishad.

(4) The provisions of sub-sections (5), (6), (7) and (8) of section 11 shall so far as may be apply to the Zilla Parishad as they apply to a Gram Panchayat subject to the modification that for the words "Gram Panchayat", wherever they occur, the words "Zilla Parishad" had been substituted.

Incorporation of Zilla Parishad.

146. The Zilla Parishad shall, by the name notified in the Official Gazette under section 144, be a body corporate having perpetual succession and common seal and subject to such restrictions and conditions imposed by or under this Regulation or any other law for the time being in force have power to acquire, hold administer and transfer property, both movable and immovable and enter into any contract and shall by the said name sue or be sued.

Persons qualified to vote and be elected.

147. (1) Every member of the Gram Sabhas constituting the Zilla Parishad shall, unless disqualified under this Regulation or any other law for the time being in force be qualified to vote at an election to the Zilla Parishad.

(2) Every member of the Gram Sabhas constituting the Zilla Parishad shall, unless disqualified under this Regulation or any other law for the time being in force, be qualified to be elected to the Zilla Parishad.

Disqualification.

148. No person shall be a member of a Zilla Parishad or continue as such if he—

(a) has failed to pay any tax, fee or other sum due to the Zilla Parishad within three months from the date on or before which such tax, fee or other sum is required to be paid; or

(b) holds any salaried office or place of profit under a Gram Sabha, Panchayat Samiti or the Zilla Parishad; or

(c) has directly or indirectly any share or monetary interest in any work done by or to the Zilla Parishad or in any contract or employment with or under or by or on behalf of the Zilla Parishad; or

(d) is a servant of the Government or any municipality; or

(e) has been dismissed from the service of the Government or a municipality for misconduct ; or

(f) has been ordered to give security for good behaviour under section 109 or 110 of the Code of Criminal Procedure, 1973; or

2 of 1974.

(g) has been convicted by a criminal court of any offence involving violence or moral turpitude and sentenced to imprisonment for not less than three months and a period of five years have not elapsed since his release; or

(h) has not attained the age of 21 years; or

(i) is of unsound mind and has been so declared by a competent court; or

(j) has been declared by a competent court as an insolvent; or

(k) has been disqualified under any law relating to elections for the time being in force for adopting a corrupt practice or for commission of an election offence during the period of such disqualification; or

(l) subject to clause (h), is so disqualified by or under any law for the time being in force for the purposes of election to the House of the People.

Decisions on questions as to disqualification

149 If any question arises as to whether a person has become subject to any disqualification referred to in section 4, section 7 or section 148 it shall be referred to the Chief Secretary of the Union territory for decision and his decision thereon shall be final

Provided that before giving any decision on any such question, the Chief Secretary shall obtain the opinion of the Election Commission and shall act according to such opinion

Election of Adhyaksha

150 (*1*) On the constitution of the Zilla Parishad for the first time under this Regulation or on the expiry of the term of the Zilla Parishad or on its reconstitution, a meeting shall be called on a date fixed by the Deputy Commissioner for the election of the Adhyaksha and the Up-adhyaksha

(*2*) The Deputy Commissioner shall preside at such meeting but not have the right to vote

(*3*) No business other than the election of the Adhyaksha and the Up-adhyaksha shall be transacted at such meeting

(*4*) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the Deputy Commissioner in such manner as he may determine

(*5*) The Adhyaksha and the Up-adhyaksha of the Zilla Parishad shall be elected, by, and from amongst its elected members in the first week of April every year for the duration of that financial year

(*6*) The office of the Adhyaksha for the first and third year of the Zilla Parishad shall be reserved for a women and for the fifth year in favour of a member, if any, belonging to the Scheduled Tribes

Provided that each time when there is a change of Adhyaksha an election shall be held to elect the Adhyaksha belonging to the particular category in the manner provided under this section.

Adhyaksha to be executive

151 The executive powers of the Zilla Parishad under this Regulation and the responsibility for the due fulfilment of the duties imposed on the Zilla Parishad under this Regulation and for carrying out the resolutions of the Zilla Parishad shall vest in the Adhyaksha

Duration of Zilla Parishad

152 (*1*) The Zilla Parishad unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer

(*2*) An election to constitute the Zilla Parishad shall be completed —

(*a*) before the expiry of its duration specified in sub-section (*1*),

(*b*) before the expiry of a period of six months from the date of its dissolution

Provided that where the remainder of the period for which the dissolved Zilla Parishad would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Zilla Parishad

(*3*) The Zilla Parishad constituted upon the dissolution of a Zilla Parishad before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Zilla Parishad would have continued under sub-section (1) had it not been so dissolved

Oath of office

153 (*1*) As soon as may be after the first meeting of the Zilla Parishad every member thereof shall take the oath of office before the Deputy Commissioner in the form set out in the First Schedule

(2) No member who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any committee constituted by the Zilla Parishad.

Resignation of office.

154. (1) Any member of the Zilla Parishad may resign his office by giving notice in writing to that effect to the Adhyaksha, and such resignation shall take effect from the date of its receipt by the Adhyaksha.

(2) The Up-adhyaksha may resign his office by giving notice in writing to the Adhyaksha, but the resignation shall not take effect till it is accepted by the Zilla Parishad.

(3) Adhyaksha may resign his office by giving notice in writing to the Deputy Commissioner but the resignation shall not take effect until in is accepted by him.

Casual vacancy.

155. Any casual vacancy in the office of the Adhyaksha, Upadhyaksha or a seat in the Zilla Parishad shall be filled in the case of a seat of a Zilla Parishad or the office of Upadhyaksha for the remainder of the duration of the Zilla Parishad and in the case of Adhyaksha for the remainder of the period of his term by election in accordance with the provisions of this Regulation:

Provided that in case of a seat or office of the Adhyaksha reserved for women or Scheduled Tribes no person other than a woman or a member of the Scheduled Tribes shall be qualified to be chosen to fill such vacancy.

Motions of no-confidence

156. (1) A motion of no-confidence may be moved by any member of a Zilla Parishad against the Adhyaksha or the Upadhyaksha after giving such notice thereof as may be prescribed.

(2) if the motion is carried by a majority of not less than two thirds of the total number of members of the Zilla Parishad, the Adhyaksha or the Upadhyaksha, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

(3) Notwithstanding anything contained in this regulation, the Adhyaksha or the Up-adhyaksha shall not preside over a meeting in which motion of no-confidence is discussed against him· but he shall have a right to speak or otherwise take part in the proceedings of such meeting.

Staff of Zilla Parishad.

157. (1) An Officer of the rank of the Deputy Commissioner shall be the Chief Executive Officer of the Zilla Parishad who shall be appointed by the Administrator.

(2) The Administrator may appoint an Additional Chief Executive Officer for the Zilla Parishad on such terms and conditions as may be prescribed.

(3) The `Administrator shall also appoint a Chief Accounts Officer and a Chief Planning Officer for each Zilla Parishad.

(4) The Government shall post from time to time in every Zilla Parishad such number of Officers of Group 'A' and 'B' Services of the Andaman and Nicobar Administration (including any Officers appointed to such service from amongst persons employed by the existing local authority) and officers of an All India Services allocated to serve under the Andaman and Nicobar Administration as the Administrator considers necessary.

(5) Notwithstanding anything contained in this Regulation or any other law for the time being in force the Administrator or any other Officer or other authority authorised by him in this behalf shall have power to effect transfer of the officers and officials so posted from one District to another District and to the Andaman and Nicobar Administration.

(6) The Administrator may constitute such services for the Zilla Parishad as may be perescribed.

Functions of the Chief Executive officer and other officer.

158. (1) Save as other wise expressly provided by or under this Regulation the Chief Executive Officer shall—

(a) carry out the policies and directions of the Zilla Parishad and take necessary measures for the speedy execution of all works and developmental schemes of the Zilla Parishad;

(b) discharge the duties imposed upon him, by or under this Regulation or the rules and bye-laws made thereunder;

(c) control the Officers and servants of the Zilla Parishad subject to the general superintendance and control of the Adhyaksha and such rules as may be prescribed;

(d) have custody of all papers and documents relating to the Zilla Parishad ; and

(e) draw and disburse monies out of the Zilla Parishad Fund and exercise such other powers and perform such other functions as may be prescribed.

(2) The Chief Executive Officer shall attend every meeting of the Zilla Parishad and may take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Chief Executive Officer any proposal before the Zilla Parishad is violative of or inconsistant with the provisions of this Regulation or any other law, rules or orders made thereunder, it shall be his duty to bring the same the notice of the Zilla Parishad.

(3) The Chief Accounts Officer shall advise the Zilla Parishad in matters of financial policy and shall be responsible for all matters relating to the accounts of the Zilla Parishad including preparation of annual accounts and the budget.

(4) The Chief Accounts Officer shall ensure that no expenditure is incurred except under proper sanction and in accordance with this Regulation and the rules and bye laws thereunder and shall disallow any expenditure not warranted by this Regulation or rules and bye-laws or for which no provision is made in the budget.

(5) The additional Chief Executive Officer shall assist the Chief Executive Officer in the performance of his duties.

(6) The Chief Planning Officer shall advise the Zilla Parishad in matters of plan formulation and shall be responsible for all matters of plan formulation and shall be responsible for all matters relating to planning of the Zilla Parishad including the preparation of plans economic development and social justice and annual plans of the district.

Right to requisition records.

159. (1) Every person in possession of moneys, accounts, records or other property pertaining to a Gram Panchayat or Panchayat Samiti or Zilla Parishad shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith hand over such monies or deliver up such accounts, records or other property to the Chief Executive Officer the person authorised in the requisition to receive the same.

(2) The Chief Executive Officer may also take steps to recover any mone due by such person in the same manner and subject to the provisions contained in Chapter IX of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966 for the recovery of the arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property pertaining to the Gram Panchayat or Panchayat Samiti or Zilla Panchayat may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of chapter VII of the Code of Criminal Procedure

Meetings of Zilla Prishad.

160. (*1*) The time and place of meeting of the Zilla Parishad and the procedure to be followed at such meetings shall be such as may be prescribed.

(*2*) A member of the Zilla Parishad may, at any meeting, move any resolution and put questions to the Adhyaksha or the Up-adhyaksha on matters connected with the administration of the Zilla Parishad in the manner prescribed.

(*3*) No resolution of the Zilla Parishad shall be modified, amended, varied or cancelled by the Zilla Parishad within a period of three months from the date of passing thereof except by a resolution supported by two thirds of the total number of members of the Zilla Parishad.

Standing Committee.

161. (*1*) Subject to such control and restrictions as may be prescribed, the Zilla Parishad may appoint standing committees for exercising such of its powers and discharging such of its duties and functions as it may specify.

(*2*) A committee shall consist of not more than five members and may be dissolved or reconstituted for such reasons and in such manner as may be prescribed.

Proceedings not to be invalid.

162. No act or proceedings of the Zilla Parishad or of any standing committee thereof shall be deemed to be invalid by reason only of the existence of any vacancy or defect in the constitution of the Zilla Parishad or the committee or of any infirmity in its proceedings.

Duties and functions.

163. (*1*) The Zilla Parishad shall have such powers and authority as the Administrator may, by order, specify, so as to enable it to function as an institution of self government with respect to the preparation of plans for economic development and social justice and the implementation of schemes for economic development and social justice in relation to the matters listed in the sixth Schedule.

(*2*) The Zilla Parishad may also make provision for carrying out within the area of the district any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well being of the residents of the district.

Control of Zilla Parishad on certain Properties.

164. (*1*) The Zilla Parishad in respect of all roads, streets, bridges, culverts and other properties placed by the Administrator under sub-section (*1*) of section 169 under its direction, management and control, may do all things necessary for the maintenance and repair thereof, and in particular, may—

(*a*) widen, open, enlarge, or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads;

(*b*) deepen or otherwise improve any water-course and other property mentioned in clause (*c*) of sub-section (*1*) of section 169; and

(*c*) cut any hedge or branch of any tree projecting on any such public road or street.

(*2*) The Zilla Parishad shall also have control of all roads, streets, waterways, bridges and culverts (which are situated within its jurisdiction, not being private property or the property for the time being under the control of the Government) and may do all things necessary for the improvement, maintenance and repair thereof and in particular may—

(*a*) lay out and make new roads, and

(*b*) construct new bridges and culverts.

Transfer of any work or institution to the Zilla Parishad.

165. The Administrator, may entrust to the Zilla Parishad the execution maintenance or repair of any work or the management of any institution on behalf of the Government or any local authority:

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of such institution shall be placed at the disposal of the Zilla Parishad by the Government or such local authority.

Execution of contracts.

166. Every contract or agreement entered into by a Zilla Parishad shall be in writing and shall be signed by the Adhyaksha and by two other members of the Zilla Parishad and sealed with the common seal of the Zilla Parishad.

Constitution Parishad.

167. A fund to be called 'The Andaman and Nicobar Islands Zilla Parishad Fund' hereinafter referred to as 'The Zilla Parishad Fund' shall be constituted for crediting the following monies by or on behalf of the Zilla Parishad and also for withdrawal of such monies therefrom, namely :—

(*i*) the proceeds of any tax or fee imposed by or under section 170;

(*ii*) the contributions made by the Government or any local authority or person;

(*iii*) all sums ordered by any authority or court to be credited to the Zilla Parishad Fund;

(*iv*) the income from securities in which the Zilla Parishad Fund is invested,

(*v*) all sums received by way of loans or gifts;

(*vi*) the income derived from fisheries under the management of the Zilla Parishad;

(*vii*) the income from or proceeds of any property of the Zilla Parishad;

(*viii*) sums assigned to the Zilla Parishad Fund by any general or special order of the Government ;

(*ix*) all sums received in aid of or for expenditure on any institution or service, maintained or financed from the Zilla Parishad Fund or managed by the Zilla Parishad.

(*x*) grants-in-aid from the Consolidated Fund of India.

Grants.

168. The Administrator may, subject to such conditions as he may deem fit, make grants to the Zilla Parishad for general purposes or for the improvement of the district and the welfare of the residents therein.

Properties vested in the Zilla Parishad.

169. (*1*) The Administrator, may, if he deems fit place all or any of the properties of the nature specified below and situated within the jurisdiction of the Zilla Parishad under the direction, management and control of the Zilla Parishad, namely:—

(*a*) open sites, vacant and grazing lands, not being private property, and river beds;

(*b*) public roads and streets;

(*c*) public channels, watercourses, wells, ponds, tanks (except irrigation tanks under the control of the Government), public springs, reservoirs· cisterns, a queducts and any adjacent land (not being private property) appertaining to any public tanks or ponds; and lands appertaining thereto;

(*d*) public sewers, drains, drainage works tunnels and culverts and things appertaining thereto and other conservancy works.

(*e*) sewerage· rubbish and offensive matters deposited on streets or collected by the Panchayat from streets, latrines, urinals, sewers, cesspools and other places; and

(*f*) public lamps, lamp posts and apparatus connected therewith or appertaining thereto.

(*2*) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Zilla Parishad and all dues levied or imposed in respect thereof shall be credited to the Zilla Parishad Fund.

Taxes which may be imposed.

170. (*1*) The Zilla Parishad shall levy, collect, assess and appropriate the following taxes, duties, tolls, cess and fees in accordance with the procedure and subject to such limits as may be prescribed, namely:—

(*a*) tax on lands and buildings within its local limits;

(*b*) tax on professions, trades, callings and employments carried on or held within the local limits of its jurisdiction on the basis of the total annual income accrued from such professions, trades, callings and employments.

(*2*) Subject to such rules as may be made in this behalf the Zilla Parishad shall levy—

(*a*) on all transfers of immovable property situated within the local limits of the village a duty in the shape of an additional stamp duty; and

(*b*) a duty in the shape of an additional stamp duty on all payments for admission to any entertainment.

(*3*) Subject to such maximum rates and the Administrator may prescribe, the Zilla Parishad may levy the following fees, cess and rates, namely:—

(*a*) fees on the registration of vehicles;

(*b*) fees for providing sanitary arrangements at such places of worship or pilgrimage, fairs and meals within its jurisdiction;

(*c*) cess on education;

(*d*) water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Parishad within its jurisdiction;

(*e*) lighting rate, where arrangement for lighting of public streets and places is made by the Zilla Parishad within its jurisdiction;

(*f*) conservancy rate, where arrangement for clearing private latrines, urinals and cesspool compounds attached to dwelling areas is made by the Zilla Parishad within its jurisdiction.

Appeal against levy of tax etc.

171. Any person aggrieved by the assessment, levy or imposition of any tax or fee under section 128 or 170 may appeal to the Deputy Commissioner within thirty days of the date of the order imposing such tax or fee.

Suspension of levy of tax or fee.

172. The Deputy Commissioner may, by notification in the Official Gazette suspend the levy or imposition of any tax or fee under section 128 or 170 and may at any time in like manner rescind such suspension.

Lease of markets etc.

173. It shall be lawful for the Zilla Parishad to lease by public auction or private contract the collection of any fee on markets and bazars if any such fee is imposed under section 170:

Provided that a lessee shall give security for the due fulfilment of the conditions of the lease or contract.

Recovery of taxes and other dues.

174. (*1*) When any tax or fee or other sum due to the Zilla Parishad has become payable, the Zilla Parishad shall, with the least practicable delay, cause to be sent to the person liable for the payment thereof, a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of such notice.

(*2*) Every such notice of demand under sub-section (*1*) shall be served in such manner as may be prescribed;

(3) If the sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, the Zilla Parishad may apply to the Tehsildar concerned for its recovery as arrears of land revenue.

Accounts.

175. Every Zilla Parishad shall maintain accounts of its receipts and expenditure in such form as may be prescribed.

Budget.

176. (1) Every Zilla Parishad shall, at such time and in such manner as may be prescribed, prepare in each financial year a budget of its estimated receipts and disbursements for the following year and submit it to the Administrator.

(2) The Administrator may, within such period as may be prescribed, either approve the budger or return it to the Zilla Parishad for such modifications as he may direct.

(3) If any modifications are made under sub-section (2), the budger shall be resubmitted within such period as may be specified.

(4) No expenditure shall be incurred unless the budget is approved by the Administrator.

Audit.

177. (1) The accounts of every Zilla Parishad shall be audited annually in such manner as may be prescribed.

(2) The audit shall be carried out by the Deputy Commissioner or such other officer as the Chief Secretary of the Union territory may appoint in this behalf, and the Deputy Commissioner or such other officer shall, within one month of the completion of the audit, forward copies of the audit report to the Chief Secretary and the Zilla Parishad.

(3) The Chief Secretary of the Union territory may after considering the report and after making such further enquiry as he may consider necessary, disallow any item which appears to him contrary to law and surcharge the same on the person making or authorising the illegal payment, and shall—

(a) if such person is a member of the Zilla Parishad, proceed against him in the manner specified in sub-section (2) and (5) of section 182; and

(b) if such person is not a member of the Zilla Parishad, obtain the explanation of the person and direct such person to pay to the Zilla Parishad the amount surcharged within a specified period; and if the amount if not paid within the specified period, the Chief Secretary of the Union territory shall cause it to be recovered as the arrears of land revenue and credit it to the Zilla Parishad Fund.

(c) Any person aggrieved by an order or the Chief Secretary of the Union territory under sub-section (3) may, within thirty days of the date of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.

Administration report.

178. (1) The Zilla Parishad shall submit annually to the Chief Secretary of the Union territory, a report on the administration of the Zilla Parishad for the previous year.

(2) The report shall be prepared by the Adhyaksha and after it is approved by the Zilla Parishad, it shall be forwarded to the Chief Secretary of the Union territory with a copy of the resolution of the Zilla Parishad thereon.

Power to call for proceedings etc.

179. The Administrator or any other officer appointed by him in this behalf shall have power—

(a) to call for—

(i) any extract from the proceedings of the Zilla Parishad or any books, records, correspondence or documents in the possession or under the control of the Zilla Parishad;

(ii) any return, plan, estimate, statement, account or report for the purpose of inspection or examination;

(*b*) to require a Zilla Parishad to take into consideration—

(*i*) any objection which appears to the Administrator or any other officer authorised by him in this behalf to exist due to the doing of any thing which is about to be or is being done by the Zilla Parishad or

(*ii*) any information which the Administrator or any other officer authorised by him in this behalf is able to furnish and to necessitate the doing of a certain thing by the Zilla Parishad and requiring it to make written reply to him within a reasonable time, stating its reasons from not desisting from doing such things.

Default in performance of duty in Zilla Parishad.

180. If, at any time, it appears to the Administrator or any other officer appointed by him in this behalf that a Zilla Parishad has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may by order in writing, fix a period for the performance of that duty. If the duty is not performed within the period so fixed, the Administrator or any other officer appointed by him in this behalf may appoint any person to perform it, and direct that the expenses of the performance of the duty shall be paid by the defaulting Zilla Parishad within such period as the Administrator any other officer appointed by him in this behalf may think fit.

Suspension of Execution of order on resolution of Zilla Parishad.

181. (*1*) If, in the opinion of the Administrator or any officer appointed by him in this behalf, the execution of any order or resolution of the Zilla Parishad or the doing of anything which is about to or is being done by or on behalf of the Zilla Parishad is causing or likely to cause injury or annoyance to the public or lead to a breach of the peace or is unlwful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(*2*) When the Administrator or any other Officer appointed by him makes an order under sub-section (*1*) he shall forthwith send to the Zilla Parishad affected thereby a copy of the order together with a statement of the reasons for making it.

(*3*) Thereafter the Administrator or such other officer as so authorised by him may, after giving such notice to the Zilla Parishad as he deems fit, rescind, modify or confirm the order.

Liability of members for loss, waste or misapplication.

182. (*1*) Every member of the Zilla Parishad shall be personally liable for the loss, waste or misapplication of any money or other property of the Zilla Parishad to which he has been a party or which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

(*2*) If after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Chief Secretary of the Union territory is satisfied that the loss, waste or misapplication of any money or other property of the Zilla Parishad is a direct consequence of misconduct of wilful neglect on the part of such member, he shall, by order in writing, direct such member to pay to the Zilla Parishad before a fixed date, the amount required to be reimbursed to it for such loss, waste or misapplication:

Provided that no such order shall be made for bonafide or technical irregularities or mistakes of a member.

(*3*) If the amount is not so paid, the Chief Secretary of the Union territory shall recover it as an arrear of land revenue and credit it to the Zilla Parishad Fund.

(*4*) An order of the Chief Secretary of the Union territory shall be subject to an appeal to the Administrator if made within thirty days of the date of the order and the Administrator may, after making such inquiry as he may deem necessary and after hearing the appellant, rescind or vary or confirm the order.

Dissolution of Zila Parishad.

183. (*1*) If in the opinion of the Administrator, the Zilla Parishad—

(*a*) exceeds or abuses its powers; or

(*b*) is incompetent to perform, or makes wilful and persistent default in the performance of the duties imposed on it by or under this Regulation or any other law for the time being in force; or

(*c*) fails to levy the taxes leviable under this Regulation; or

(*d*) persistently disobeys the order made under sub-section (*2*) of section 181,

the Administrator may, by order published in the Official Gazette, dissolve the Zilla Parishad and direct that it shall be reconstituted in the manner provided in this Regulation.

(*3*) No order under sub-section (*1*) shall be passed without giving to the Zilla Parishad a reasonable opportunity to render an explanation.

(*4*) If a Zilla Parishad is dissolved under sub-section (1) the following consequences shall ensue, namely:—

(*a*) all the members of the Zilla Parishad shall, from the date specified in the order, cease to be members;

(*b*) all powers and duties of the Zilla Parishad shall, during the period of dissolution of the Zilla Parishad, be exercised and performed by such person or persons appointed by the Administrator in this behalf;.

(*c*) The standing committees of the Zilla Parishad shall be deemed to have been dissolved and all the members of the Zilla Parishad shall vacate office as from the date of its dissolution.

(*4*) An election to reconstitute a Zilla Parishad after such dissolution, shall be completed before the expiry of a period of six months from the date of its dissolution.

Delegation of powers.

184. (*1*) The administrator may, by notification in the Official Gazette, delegate to any officer of authority or authority subordinate to him, any of the powers conferred on him or any officer subordinate to him by this Regulation, other than the power to make rules, to be exercisable, subject to such restrictions and conditions as may be specified in the notification.

(*2*) The Administrator may by notification in the Official Gazette authorise the Chief Executive Officer to exercise subject to such restrictions and conditions as may be specified in the notification all or any of the powers exercisable by and to perform the functions of the Deputy Commissioner under this Regulation.

CHAPTER XII

ELECTION COMMISSION AND FINANCE COMMISSION

Election Commission.

185. (*1*) The President may appoint an Election Commission consisting of an Election Commissioner in whom the superintendence, direction and control of the preparation of electroal rolls for and the conduct of all elections of the Gram Panchayats, Panchayat Samities and the Zilla Parishad in the Union territory of Andaman and Nicobar Islands shall be vested.

(*2*) Subject to the provisions of any law the conditions of service and the tenure of office of the Election Commission shall be such as the President may by by rule determine:

Provided that the Election Commissioner shall not be removed from his office except in a like manner and on the like grounds as a Judge of a High Court and the conditions of sevice of the Election Commissioner shall not be varied to his disadvantage after his appointment.

(*3*) The Administrator shall when so requested by the Election Commissioner make available to the Election Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commissioner under sub-section (*1*).

(*4*) Without prejudice to the provisions of sub-section (*1*), the President may appoint the Election Commission appointed under sub-section (*1*) for the purposes of superintendence· direction and control of the preparation of electoral rolls for the conduct of elections to the municipalities in tle Union territory or to Panchayats and Municipalities in the Union territories other than Andaman and Nicobar Islands.

Finance Commission.

186. (*1*) As soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992 and thereafter at the expiration of every fifth year the President may constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the President as to,—

(*a*) the principles which should govern,—

(*i*) the determination of taxes, duties, tolls and fees which may be assigned to or appropriated by the Panchayats;

(*ii*) the grants-in-aid to the Panchayats from the Consolidated Fund of India;

(*b*) the measures needed to improve the financial position of the Panchayats;

(*c*) any other matter referred to the Finance Commission by the President in the interest of sound finances of the Panchayats.

(*2*) The President may by rules provide for the composition of the Commission, the qualifications which shall be required for the appointment of members thereof and the manner in which they shall be selected.

(*3*) The Commission shall determine their procedure and for such powers in the performance of their functions as the President may by rules confer on them.

(*4*) Without prejudice to the provisions of sub-section (*1*) the Finance Commission may also review the financial position of the Panchayats and Municiplities for such other Union territories and make recommendations to the President regarding matters specified in that sub-section.

CHAPTER XIII

MISCELLANEOUS

Election petitions.

187. (*1*) If the validity of any election of a member of a Gram Panchayat, Panchayat Samiti, Zilla Praishad or the Pradhans is brought into question by any person qualified to vote at the election to which such question relates, such person may at any time within fifteen days after the date of the declaration of the results of the election, apply to the District Judge in such form as may be prescribed for the determination of such question.

(2) Every petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the petition is presented to the District Judge.

Procedure hearing of election petitions

188. (*1*) Save as otherwise provided by this Regulation or by any rule made thereunder, the procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall, in so far as if may be applicable, be followed in the hearing of election petitions by the District Judge:

Provided that—

(*a*) two or more persons whose election is called in question, may be made respondents to the same petition and their cases may be tried at the same time, and any two or more election petitions may be heard together; but so far as is consistent with such joint trial or hearing, the petition shall be deemed to be a separate petition against each respondent;

(*b*) the District Judge shall not be required to record or have recorded the evidence in full, but shall made a memorandum of the evidence sufficient in his opinion for the purpose of deciding the case;

(*c*) the District Judge may, at any stage of the proceedings require the petitioner to give sercurity or further security for the payment of all costs incurred likely to be incurred by any respondent; and

(*d*) the District Judge, for the purpose of deciding any issue, shall only be bound to require the production of or to receive so much evidence, oral or documentary, as he may consider necessary.

(*2*) An order for the payment of costs, or an order for the relaisation of a security bond for costs passed by the District Judge, shall be executed in the same manner as if the amount to be recovered was arrears of land revenue.

Findings of District Judge.

189. (*1*) If the District Judge, after making such inquiry as he thinks necessary, finds, in respect of any person whose election is called in question by a petition that his election was valid, the petition shall be dismissed against such person with cost.

(*2*) If the Disttict Judge finds that the election of any person was invalid, he shall either—

(*a*) declare a casual vacancy to have arisen, or

(*b*) declare another candidate to have been duly elected, whichever course appears, in the particular circumstances of the case, to be more appropriate, and in either case the District Judge may award costs at his discretion.

(*3*) In the event of the District Judge declaring a casual vacancy to have arisen, he shall direct the Election Commission to take proceedings for filling the vacancy.

Avoidance of Election.

190. (*1*) Notwithstanding anything contained in section 189 if the District Judge, in the course of hearing an election petition, is of the opinion that the evidence discloses that corrupt practices at the election proceedings in question, have prevailed to such an extent as to render it advisable to set aside the whole of the election proceedings, he shall pass a conditional order to this effect and give notice thereof to every candidate declared elected who has not alrady been made a party to the case, calling upto such candidate to show cause why such conditional order should not be made final.

(*2*) Thereupon every such candidate may appear and show cause, and may recall for the purpose of putting question to him, any witness who had appeared in the case.

(*3*) The District Judge shall thereafter either cancel the conditional order or make it absolute in which case he shall direct the Election Commission to take measures for holding fresh election proceedings.

Disqualification for corrupt or illegal practice.

191. The District Judge may declare any candidate found to have committed any corrupt practice to be ineligible for being a member of a Gram Sabha or for contesting an election under this Regulation or for being appointed or retained in any office or place in the Government or any local authority or for being registered as a member of any Gram Sabha for such period not exceeding five years as the District Judge may determine.

Bar to interference by courts in electoral matters.

192. (*1*) Notwithstanding anything contained in this Regulation, the validity of any law relating to delimitation of constituencies or allotment of seats to such constituencies made or purporting to be made under this Regulation shall not be called in question in any court.

(*2*) Save as otherwise provided in Sections 187, 188, 189, 190 and 191 no civil court shall have jurisdiction to question the legality or validity of any action taken or decision given by the Election Commission or the Chief Secretary or the Deputy Commissioner in connection with the conduct of elections under this Regulation.

Power to enter.

193. The Assistant Commissioner in the case of Gram Panchayat and Deputy Commissioner in the case of Panchayat Samiti and Zilla Parishad may authorise any of his Officers to enter in and inspect or cause to be entered and inspected any immovable property occupied by any Gram Panchayat or Panchayat Samiti or Zilla Parishad or any work in progress under the direction of such Gram Panchayat, Panchayat Samiti or Zilla Parishad as the case may be.

Bar of action against Panchayat, etc., and previous notice before institution.

194. (*1*) No action shall lie against any member, officer, servant or agent of a Gram Panchayat or a Nyaya Panchayat or a Panchayat Samiti or Zilla Parishad acting under the direction of such Gram Panchayat or Nyaya Panchayat or a Panchayat Samiti or Zilla Parishad action in respect of anything done in good faith under this Regulation or any rule or bye-law made thereunder.

(*2*) The provisions of the Judicial Officer's Protection Act, 1850 shall apply to the members of the Nyaya Panchayat.

(*3*) No action shall be brought against any Panchayat or a Panchayat Samiti or a Nyaya Panchayat or a Zilla Parishad or a Pradhan or Upa Pradhan or Sarpanch or Up-Sarpanch, Pramukh or Up-Pramukh or Adhyaksha or Upadhyaksha or any of their members officers, servants or agents for anything done or purporting to be done under this Regulations and the Rules and Bye-laws framed thereunder until the expiration of two months next after notice in writing has been left or delivered at the office of such Panchayat or Nyaya Panchayat or Panchayat Samiti or Zilla Parishad and also at the residence of such of their members officers, servants or agents against action is intended to be brought. The notice shall state the case of action, the nature of the relief sought the amount of compensation, if any, claimed and the name and place of abode of the person who intends to bring the action.

(*4*) Every such action shall be commenced within six months after the accrual of the cause of action and not afterwards.

Members, etc. of Panchayats etc. to re publi servant.

195. Every member of a Gram Panchayat or a Nyaya Panchayat or Panchayat Samiti or Zilla Parishad and every officer and servant maintained by or emp'oyed under a Gram Panchayat or a Nyaya Panchayat or a Panchayat Samiti or Zilla Parishad shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members etc. to refrain from taking part at sale.

45 of 1986

196. No member of a Gram Panchayat or a Nyaya Panchayat or a Panchayat Samiti or a Zilla Parishad or any of their officers having any duty to perform in connection with any sale under this Regulation, shall directly or indirectly bid for, or acquire any interest in any property sold at such sale.

Powers a n duties of Police in respect of offences and assistance to Panchayats.

197. Every Police Officer shall give immediate information to the Gram Panchayat, Nyaya Panchayat, Panchayat Samiti and Zilla Parishad of an offence coming to his knowledge which has been committed against this Regulation or any rules or bye-laws made thereunder and shall assist all members and servants of the Panchayat· the Nyaya Panchayat, Panchayat Samiti and Zilla Parishad in the exercise of their lawful authority.

Classification and reservatio n of records.

198. Every Gram Panchayat· Nyaya Panchayat, Panchayat Samiti and Zilla Parishad shall classify and preserve its records in the manner prescribed.

Inspection and copies or records.

199. Every Gram Panchayat, Nyaya Panchayat, Panchayat Samiti and Zilla Parishad shall· on an application made to it by any person interested, allow inspection of its records and grant certified copies thereof on payment of the prescribed fee.

Corut fees Act not applicable

7 of 1870.

200. The provisions of the Court Fee Act, 1870 shall not apply to any proceedings before a Nyaya Panchayat.

Removal of difficulties.

201. (*1*) If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may by order published in the Official Gazette make such provisions not inconsistent with the provisions of this Regulation as appears to him to be necessary or expedient for removing of that difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Regulation.

(*2*) Every order made under this section shall as soon as may be after it is made be laid before each House of Parliament.

Power to make rules.

202. (*1*) The Administrator may, subject to the condition of previous publication by notification in the Official Gazetee, make rules to carry out the provisions of this Regulation.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the manner in which assets and liabilities of a Gram Sabha which has ceased to exist shall be disposed of under sub-section (*3*) of section 6;

(*b*) the preparation, revision and publication of the electoral rolls of members of a Gram Sabha and the particulars which it shall contain and the manner in which it shall be revised under section 8;

(*c*) the meetings of the Gram Sabha and notice of such meetings under sub-section (*3*) of section 9;

(*d*) the manner in which the seats allotted to Scheduled Tribes shall be rotated between different constituencies under sub-section (*5*) of section 11;

(*e*) the manner in which seats reserved for women shall be rotated amongst different constituencies under sub-section (*7*) of section 11;

(*f*) the manner in which the offices of Pradhan reserved for the Scheduled Tribes and women shall be rotated amongst different Gram Panchayats under sub-section (*9*) of section 11;

(*g*) the period for which notice is required to be given for moving a no confidence motion under sub-section (*1*) of section 21;

(*h*) the period for which notice is required to be given for moving a no-confidence motion against the Up-Pradhan under sub-section (*1*) of section 22;

(*i*) the terms and conditions of service of the Secretary and other officers and servants under sub-section (*5*) of section 24;

(*j*) the time and place of meetings of a Gram Panchayat and the procedure to be followed at such meetings under sub-section (*1*) of section 25;

(*k*) the produce for moving resolutions and putting questions under sub-section (*2*) of section 25;

(*l*) the controls and restrictions subject to which a Gram Panchayat may appoint Committees under sub-section (*1*) of section 26;

(*m*) the reasons for and the manner in which Committees may be dissolved or re-constituted under sub-section (*2*) of section 26;

(*n*) the conditions subject to which the Administrator may entrust to the Gram Panchayat the functions and duties of collecting land revenue and other dues recoverable as arrears of land revenue under sub-section (*1*) of section 31;

(*o*) the custody in which the Gram Fund shall be kept under sub-section (*3*) of section 34;

(*p*) the manner in which the taxes and fees shall be assessed and realised under sub-section (*2*) of section 37;

(*q*) the form in which the demand notice shall be sent under sub-section (*1*) of section 41;

(*r*) the manner in which a demand notice shall be served under sub-section (*2*) of section 41;

(*s*) the form in which account of receipts and expenditure shall be maintained under section 42;

(*t*) the time at which and the manner in which budget shall be prepared by the Gram Panchayat under sub-section (*1*) of section 43;

(*u*) the period within which the Zilla Parishad may approve or return the budget under sub-section (*2*) of section 43;

(*v*) the period within which the budget has to be re-submitted to the Zilla Parishad under sub-section (3) of section 43;

(w) the period within which the Zilla Parishad has to approve the budget under sub-section (1) of section 43;

(*x*) the manner in which accounts of a Gram Panchayat shall be audited under sub-section (1) of section 44;

(*y*) such other duties which may be performed by the secretary under section 57;

(*z*) regulating the conduct· distribution of business and proceedings before a Nyaya Panchayat times and places of sittings of the Nyaya Panchayat and any other matter necessary for the proper and efficient conduct of proceedings before Nyaya Panchayat under section 77;

(*aa*) the fees to be paid for the institution of a suit or case before the Nyaya Panchayat under sub-section (1) of section 78;

(*ab*) the register in which substance of a case instituted orally shall be recorded under sub-section (2) of section 78;

(*ac*) the form in which summons shall be served under section 82;

(*ad*) the manner in which summons shall be served under section 84;

(*ae*) the register in which the substance of a case has to be recorded before the Nyaya Panchayat can pass a sentence under sub-section (2) of section 87;

(*af*) the register in which the Nyaya Panchayat shall record the satisfaction of decrees or adjustments under section 101;

(*ag*) the register in which the amount realised shall be entered under section 104;

(*ah*) the form in which and a date before which a Nyaya Panchayat shall submit its annual report under section 105;

(*ai*) the period for which Pradhans shall be rotated under clause (*a*) of sub-section (3) of section 107;

(*aj*) the manner in which offices reserved for Scheduled Tribes and women shall be rotated under sub-section (5) of section 112;

(*ak*) the notice for moving a motion of no-confidence against Pramukh or Upapramukh under sub-section (1) of section 117;

(*al*) the time and place of meetings of the Panchayat Samities and the procedure for such meetings under sub-section (*1*) of section 121;

(*am*) the manner in which a member of Panchayat Samiti may move resolutions and put questions to Pramukh or Upapramukh under sub-section (*2*) of section 121;

(*an*) the controls and restrictions subject to which a Panchayat Samiti may appoint committees under sub-section (*1*) of section 122;

(*ao*) the reasons for which committees may be dissolved and the manner in which committees may be reconstituted under sub-section (*2*) of section 122;

(*ap*) the custody in which a Panchayat Samiti Fund shall be kept under sub section (3) of section 127;

(*aq*) the procedure and limits subject to which taxes· duties tolls· cess and fees shall be levied under sub-section (**1**) of section 128;

(*ar*) the form in which demand notice shall be sent under sub-section (*1*) of section 132;

(*as*) the manner in which notice of demand shall be served under sub-section (**2**) of section 132;

(*at*) the manner in which accounts of receipts and expenditure shall be maintained under section 133;

(*au*) the time and manner in which the Panchayat Samitis shall prepare the budget under sub-section (**1**) of section 134;

(*av*) the period within which the budget shall be resubmitted under sub-section (**3**) of section 134;

(*aw*) the period within which and manner in which supplementary estimate shall be prepared under sub-section (5) of section 134;

(*ax*) the manner in which accounts of the Panchayat Samities shall be audited under sub-section (**1**) of section 135;

(*ay*) the notice for moving a no-confidence motion under sub-section (*1*) of section 156;

(*az*) the terms and conditions of the Additional Chief Executive Officer appointed under sub-section (*2*) of section 157;

(*ba*) the constitution of services under sub-section (6) of section 157;

(*bb*) such other functions and powers which the Chief Executive Officer may exercise under clause (*e*) of sub-section (*1*) of section 158;

(*bc*) the time and place of meetings of the Zilla Parishad and the procedure to be followed at such meetings under sub-section (*1*) of section 160;

(*bd*) the manner in which questions may be put and resolutions may be moved before the Zilla Parishad under sub-section (*2*) of section 160;

(*be*) the manner in which committees may be dissolved or re-constituted under sub-section (2) of section 161;

(*bf*) the procedure and limits subject to which taxes may be levied under sub-section (**1**) of section 170;

(*bg*) the conditions subject to which the Zilla Parishad may levy duties and fees under sub-section (2) of section 170;

(*bh*) the form in which demand notice shall be given under sub-section (**1**) of section 174;

(*bi*) the manner in which a notice of demand may be served under sub-section (**2**) of section 174;

(*bj*) the form in which the Zilla Parishad shall maintain accounts of its receipts and expenditure under section 175;

(*bk*) the time and manner in which budget may be prepared under section 176;

(*bl*) the period within which the Administrator may approve or return the budget under sub-section (**2**) of section 176;

(*bm*) the period within which the budget shall be returned for the approval of the Administrator under sub-section (**3**) of section 176;

(*bn*) the time and manner in which the supplementary budget may be submitted to the Administrator for approval under sub-section (**5**) of section 176;

(*bo*) the manner in which the accounts of the Zilla Parishad shall be audited under section 177;

(*bp*) the manner in which records shall be classified and preserved under section 198;

(*bq*) the fee to be paid for inspection of records and grant of certified copies under section 199;

(*br*) any other matter which is required to be or may be prescribed.

Power to make rules.

203. (**1**) Subject to the provisions of this Regulation and the Rules made thereunder, the Deputy Commissioner may frame bye laws:—

(*a*) to prohibit the removal or use of water for drinking purpose from any source which is likely to cause danger to health;

(*b*) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;

(*c*) to prevent damage to public streets;

(*d*) to regulate sanitation, conservancy and drainage in the area of the Gram;

(*e*) to prohibit or regulate the use of public streets or other public place by shopkeepers;

(*f*) to regulate the manner in which tanks, ponds and cess pools, pasture lands, play grounds, manure pits, land for disposal for dead bodies and bathing places shall be maintained and used; and

(**2**) Any bye-law made under sub-section (**1**) may provide that a contravention thereof shall be punishable with fine which may extend to rupees ten and in the case of a continuing contravention with fine which may extend to rupees two for each day during which the contravention continues.

Laying of rules before Parliament.

204. Every rule and every bye-law made under this Regulation shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions as aforesaid both Houses agree for making any modification in the rule or bye-law or both Houses agree that the rule or bye-law should not be made, the rule or bye-law shall thereafter have effect only in modified form or be of no effect as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law

Repeal and savings. No 4 of 1961.

205. (**1**) The Andaman and Nicobar Islands (Gram Panchayats) Regulation, 1961 is hereby repealed.

(**2**) The repeal of the said Regulation shall not affect,—

(*a*) the previous operations of the said Regulation or anything duly done or suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulation, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Regulation, or

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been promulgated.

THE FIRST SCHEDULE

(*See* SECTIONS 19, 54, 115 AND 153)

I, ...having been elected as member/Pradhan/Upapradhan/ Pramukh/Upapramukh/ Adhyaksha/ Upadhyaksha/ Sarpanch/Upsarpanch ... ...Panchayat/Nyaya Panchayat/Panchayat Samiti/Zilla Parishad do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will up hold the sovereignty and integrity of India and that I will faithfully discharge the duties of my office to the best of my ability, knowledge and judgement without fear or favour or ill-will.

THE SECOND SCHEDULE

[*See* SECTION 28 (1))

MATTERS IN RESPECT OF WHICH GRAM PANCHAYAT WILL HAVE THE AUTHORITY SO AS TO ENABLE IT TO FUNCTION AS AN INSTITUTION OF SELF GOVERNMENT IN RESPECT OF THE PREPARATION OF PLANS FOR ECONOMIC AND SOCIAL JUSTICE.

I. In the sphere of sanitation and health—

(*a*) supply of water for domestic use and for cattle;

(*b*) construction and cleaning of public roads, drains, ponds, tanks and wells other than tanks and wells used for irrigation purposes and other public places;

(*c*) sanitation, conservancy, the prevention and abatement of nuisance;

(*d*) preservation and improvement of public health, establishing and maintaining public hospitals and dispensaries providing public relief;

(*e*) regulation by licensing or otherwise of tea, coffee and milk shops;

(*f*) provision, maintenance and regulation of burning;

(*g*) ensuring systematic disposal of carcasses, provision of definite place for the purpose and other means for the disposal of unclaimed corpses and carcasses;

(*h*) construction and maintenance of public latrines;

(*i*) taking of measures to prevent the outbreak, spread and recurrence of any infectious disease;

(*j*) reclaiming of unhealth localities;

(*k*) removal of rubbish heaps, jungle growth, the filling in of disused wells insanitary ponds, pools, ditches, pits or hollows, the prevention of water-logging in irrigated areas and other improvements of sanitary conditions;

(*l*) maternity and child welfare;

(*m*) the encouragement of human and animal vaccination;

(*n*) the provision and maintenance of compost pits;

(*o*) regulating the keeping of cattle and taking necessary steps against stray cattles and dogs;

(*p*) regulating, checking and abating of offensive or dangerous trade or practices;

(*q*) watering public streets and places;

(*r*) cleaning public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such places are vested in the panchayat or not; removing the noxious vegetation and abating all public nuisances;

(*s*) extinguishing fires, and protecting life and property when fires occur;

(*t*) removing obstruction and projections in public streets or places and in spaces not being private property, which are open to the enjoyment of the public, whether such space are vested in the panchayat or belong to Government;

(*u*) securing or removing dangerous buildings or places;

(*v*) constructing, altering and maintaining public streets, culverts, panchayat boundary marks, markets, slaughter houses, privates, urinals, drains, sewers, drainage works, sewerage works baths, washing places, drinking fountains, tanks, wells, dams and the like; ,

(w) obtaining a supply of an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply when such supply or additional supply can be obtained at a reasonable cost;

(*x*) paying the salary and the contingent expenditure account of such police or guards as may be required by the panchayats for the purposes of this Act or for the protection of any panchayat property;

(*y*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the Panchayat.

2. In the sphere of public works—

(*a*) removing of obstructions and projections in public streets or places and in sites, not being private property, which are open to the public whether such sites are vested in the panchayat or belong to Government;

(*b*) construction, maintenance and repair of public roads, drains, bunds and bridges:

Provided that if the roads, drains, bunds and bridges vest in any other public authority, such works shall not be undertaken without the consent of that authority;

(*c*) maintenance and regulation of the use of buildings handed over to the panchayat or of Government buildings under the control of the Panchayat, grazing lands, and tanks and wells (other than anks and wells for irrigation);

(*d*) lighting of the village;

(*e*) control of fairs, bazars, tonga-stand and cartstands;

(*f*) construction and maintenance or control of slaughter houses;

(*g*) planting of trees in market places and other public places and their maintenance of preservation;

(*h*) construction and maintenance of Dharmashalas;

(*i*) management and control of bathing and washing ghats which are not managed by any authority;

(*j*) establishment and maintenance of markets;

(*k*) construction and maintenance of houses for conservancy staff and village functionaries of the panchayat;

(*l*) establishment, control and management of cattle pounds;

(*m*) establishment and maintenance of works for the provision of employment particularly in times of scarcity;

(*n*) extension of village sites and the regulation of building and housing schemes in accordance with such principles as may be prescribed;

(*o*) construction and maintenance of buildings for warehouses, shops, purchasing centres and such others;

(*p*) construction and maintenance of buildings for common use and of buildings necessary for development activities;

3. In the sphere of education and culture—

(*a*) visits to educational institutions;

(*b*) check on attendance and other registers to enquire and report to concerned authorities on educational deficiencies and requirements in the village;

(*c*) submission of recommendations on the annual budget of schools, adult and nonformal centres, and preprimary and early childhood care and educational centres;

(*d*) construction and repair work of educational institutions entrusted to the Gram Panchayat;

(*e*) submission of reports on regularity of students, teachers attendance and school functioning;

(*f*) framing of the school calendar under the guidance of the Zilla Parishad.

4. In the sphere of self-defence and village defence;

(*a*) watch and ward of the village and of crops therein and raising volunteer organisation or organisations of any other kind, encouraging and assisting such organisations;

(*b*) providing for training facilities to the youth of the gram for the purpose of self-defence and village defence and assisting such training that may be organised by the Government;

(*c*) preventing of fires, rendering assistance in extinguishing fires and protecting life and property when fire occurs;

5. In the sphere of planning and administration—

(*a*) the preparation of plans for the development of the village;

(*b*) assisting the implementation of soil improvement projects of the State Government;

(*c*) economic survey of the gram accompanied by the provision of employment to the unemployed or under employed resident therof;

(*d*) preparation of budget, collection and maintenance of accounts,custody and utilization of funds, assessment and collection of taxes and maintenance of an Account Code;

(*e*) use of assistance given by the Central or State Government for any purpose of the village;

(*f*) making independent surveys of the gram or assisting such survey undertaken by the Central or State Government;

(*g*) recruitment, training and management of staff to be employed by panchayat;

(*h*) control of cattle-stands, thrashing floors, grazing grounds and community lands;

(*i*) establishment, maintenance and regulation of fairs, pilgrimages and festivals;

(*j*) reporting to proper authorities complaints which are not removable by the panchayat;

(*k*) preparation, maintenance and up-keep of the panchayat records;

(*l*) registration of births, deaths and marriages in such manner and in such form as may be laid down by the State Government general or special order in this behalf.

(*m*) numbering of premises.

6. In the sphere of Community Development—

(*a*) relief of the crippled, destitute and the sick;

(*b*) assistance to the residents when any natural calamity occurs;

(*c*) organising, encouraging and assisting co-operative activities in the economic and social fields;

(*d*) propagation of family planning;

(*e*) organising voluntary labour for community works and works for the upliftment of the village;

(*f*) opening fair-price shops.

7. In the sphere of agriculture, preservation of forests and pasture lands—

(*a*) planned improvement of agriculture;

(*b*) securing mainimum standards of cultivation in the gram with a view to increasing agricultural production;

(*c*) ensuring conservation of manurial resources, preparing composts and sale of manure;

(*d*) production of improved seeds, the establishing of nurseries or improved seeds and promoting the use of improved seeds;

(*e*) promoting the use of improved agricultural implements and making such implements easily available;

(*f*) the promoti on of co-operative farming;

(*g*) crop-protection and crop-experiments;

(*h*) minor irrigation· construction and maintenance of filled channels and distribution of water; treatment of drainage lines by dugouts with vegetative drains, loose boulder dams, filter steps and other measure for improving water conservation and preventing soil erosion.

(*i*) raising, preservation and improvement of village forests, pastures and orchards;

(*j*) taking steps against harmful animals with a view to protection of crops.

8. In the sphere of Animal Husbandry—

(*a*) improvement of cattle and cattle-breeding;

(*b*) the general care of live-stock;

(*c*) providing and maintaining stud bulls for purposes of cattle breeding;

(*d*) promotion of dairy farming.

9. In the sphere of village Industries—

(*a*) surveying and harnessing tiny and village industrial and other employment potential of the gram;

(*b*) providing necessary raw materials for cottage industries and arts and crafts;

(*c*) making efforts for the production by the village craftsmen of modern and improved tools for cottage industries and making such tools easily available to them;

(*d*) encouraging and assisting artisans for training in cottage industries and handicraft;

(*e*) providing for the organisation, management and development of cottage industries on a co-operative basis.

10. Subject to the conditions of section 35 maintenance of records relating to land revenue in such manner and in such form as may be prescribed from time to time by or under any law relating to land revenue.

THE THIRD SCHEDULE

(*See* section 65)

OFFENCES TRIABLE BY A NYAYA PANCHAYAT

UNDER THE INDIAN PENAL CODE, 1860

Section	Brief description
140	Wearing false uniforms.
160	Affray.
172	Absconding to avoid service of summons or other proceeding.

174	Non-attandance in obedience to an order from public servant.
179	Refusing to answer public servant authorised to question.
277	Fouling water of public spring or reservoir.
285	Negligent conduct with respect to fire or combustible matter.
289	Negligent conduct with respect to animals.
290	Public nuisance in cases not otherwise provided for.
294	Obscene acts and songs.
323	Voluntarily causing hurt.
334	Voluntarily causing hurt on provocation.
341	Wrongful restraint.
352	Assault or criminal force otherwise than on grave provocation.
357	Assault or criminal force in attempt wrongfully to confine a person.
358	Assault or criminal force on grave provocation.
374	Unlawful compulsory labour.
379	Theft where the value of the subject matter does not exceed Rs. 50.
403	Dishonest misappropriation of property where the value of subject matter does not exceed Rs. 50.
411	Dishonestly receiving stolen property where the value of the subject matter does not exceed Rs. 50.
426	Mischief.
428	Mischief by killing or maiming cattle, etc., of any value or any animal of the value of ten rupees.
430	Mischief by injury to works of irrigation or wrongfully diverting public water.
447	Criminal trespass.
448	House-trespass.
504	Intentional insult with the intent to provoke breach of peace.
506	Criminal intimidation.
509	Words, gesture, or act intended to insult the modesty of a woman.
510	Misconduct in public by a drunken person.

UNDER THE CATTLE TRESPASS ACT, 1871

24	Forcibly opposing the seizure of Cattle or rescuing the same.
26	Causing damage by cattle to land crop and public road.

UNDER THIS REGULATION OR THE RULES AND BYE-LAWS FRAMED THEREUNDER:

Any offence under this Regulation or any rule or bye-law framed therunder.

UNDER ANY OTHER ENACTMENTS:

Any such compoundable offence as may by notification be declared by the Administrator, to be cognizable by a Nyaya Panchayat.

THE FOURTH SCHEDULE

[*See* section 69 (1)]

OFFENCES AND MAXIMUM PENALTIES

(a) Under the Indian Penal Code—for the offences specified in the Third Schedule, fine not exceeding Rs. 25/-.

(b) Under the Cattle Trespass Act, 1871—for the offences specified in the Third Schedule, fine not exceeding Rs. 10/-.

(c) Under this Regulation or the rules or bye-laws framed thereunder—fine not exceeding Rs. 10/-.

THE FIFTH SCHEDULE

[*See* section 124 (1)]

MATTERS IN RESTECT OF WHICH A PANCHAYAT SAMITI WILL HAVE AUTHORITY SO AS TO ENABLE IT TO FUNCTION AS AN INSTITUTION OF SELF GOVERNMENT.

1. In the sphere of sanitation and health—

(*a*) controlling epidemics and expansion and maintenance of health services;

(*b*) family planning;

(*c*) providing facilities for pure drinking water;

(*d*) maintenance and supervision of stores of drugs, dispensaries, pharmacies, maternity homes and primary health centres;

(*e*) cultivating public opinion on following methods for the preservation of health and sanitation—

(*i*) nourishment;

(*ii*) maternity and child welfare;

(*iii*) control and eradication of contagious diseases;

(*f*) providing for help and protection to the people against epidemics.

2. In the sphere of communication—

(*a*) obstruction and maintenance of village link roads;

(*b*) providing necessary assistance for construction and maintenance of village approach roads.

3. In the sphere of education and culture –

(*a*) recruitment of staff for Adult Education, Non-Formal Education, Early Childhood Care and Education programmes.

(*b*) appointment of staff in schools from approved panels;

(*c*) transfer of teachers within their jurisdiction subject to guidelines;

(*d*) academic supervision of all institutions upto upper primary levels;

(*e*) delegation of powers of supervision over composite upper primary schools to the Gram Panchayat for purposes of continuity;

(*f*) preparation of budget and sanction of plans and expenditure from the Panchayat Samiti Education Budget;

(*g*) disbursement of funds to aided institutions under supervision of Zilla Parishad;

(*h*) levying of development fees and other fees to raise resources;

(*i*) raising of public contributions and donations.

4. In the sphere of social education–

To cultivate a new outlook, among the people to make them self-reliant industrious and co-operation minded and especially—

(*a*) establishing and maintaining information centres, community educational centres and recreation centres;

(*b*) establishing institutions for rendering social service such as youth clubs, women's clubs and farmers' associations and encouraging any such institutions if already established;

(*c*) establishing a village defence corps;

(*d*) encouraging physical and cultural activities;

(*e*) establishing voluntary health associations;

(*f*) training gram-sevaks and utilising their services;

(*g*) training gram-sevaks and utilising their services;

(*h*) promoting childrens' activities.

5. In the sphere of community development—

(*a*) planning for increased employment and production as well as for co-ordination of village institutions;

(*b*) training in self-help and self-sufficiency among the village community on the principle of mutual cooperation;

(*c*) utilising the surplus energy, resources and time of the village for benefit of the community;

(*d*) providing for the implementation of development programmes entrusted to it by the State Government.

6. In the sphere of agriculture and irrigation—

(*a*) planning for agricultural improvement in the Block;

(*b*) use of land and water resources and propagation of improved agricultural methods according to the latest researches;

(*c*) construction and maintenance of irrigation works in the block;

(*d*) reclamation and conservation of agricultural land in the block;

(*e*) maintenance of seed multiplication farms, assisting registered seed producers and distribution of seeds in the block;

(*f*) raising the production of fruits and vegetables;

(*g*) conservation of manurial resources, preparing compost manure, organic manure and mixture and to arrange for making them easily available;

(*h*) promoting the use of improved agricultural implements and arranging to make them easily available;

(*i*) the protection of crops, fruit-trees and plants against disease;

(*j*) providing credit and other facilities for irrigation and agricultural development;

(*k*) increasing the area of land under irrigation by construction and repair of wells, digging and repairs of private ponds by undertaking minor irrigation works and by supervision of field channels;

(*l*) providing for the timely and equitable distribution and full use of water available under irrigation schemes.

7. In the sphere of animal husbandry—

(*a*) improving cattle-breed by introduction of stud bulls, by castration of stray bullocks and establishment and maintaining artificial insermination centres;

(*b*) introducing improved breeds of cattle, sheep poultry etc. giving grants therefor and maintenance of small breeding centres;

(*c*) controlling and checking infectious diseases;

(*d*) introducing improved grass and cattle feeds and providing for their storage;

(*e*) starting and maintaining first-aid centres and veterinary dispensaries;

(*f*) providing for milk supply;

(*g*) solving the problem of stray cattle.

8. In the sphere of village and small-scale industries—To promote, cottage, village and small-scale industries with a view to providing increased employment and raising peoples' standard of living and especially—

(*a*) to establish and maintain production and training centres;

(*b*) to improve the skills of artisans;

(*c*) to popularise improved implements;

(*d*) to ensure the implementation of scheme for Cottage, Village and Small-scale Industries run by the Khadi and Village Industries Board and other All India Association.

9. In the sphere of co-operation—

To promote the idea of co-operation in different fields of life and to organise and encourage co-operative institutions in the economic and social fields and especially—

(*a*) to establish and promote the development of multipurpose cooperative societies for credit, sale, industry, irrigation and agriculture;

(*b*) promoting savings through thrift, small savings and insurance schemes.

10. In the sphere of women's welfare—

Implementing of schemes for women's and children's welfare and maintaining women's and children's welfare centres, education centres, craft centres and tailoring centres.

11. In the sphere of social welfare—

(*a*) implementing schemes of rural housing;

(*b*) maintaining decrepit beggars;

(*c*) sponsoring voluntary institutions of social welfare and co-ordinating and assisting their activities;

(*d*) propaganda for prohibition and against drug addiction.

12. In the sphere of relief—

Providing immediate relief in case of floods, fires, epidemics and other natural calamities on a small or large scale.

13. In the sphere of collection of statistics—

Collecting and co-ordinating statistics and may be required by the village panchayats, taluka panchayats or district panchayats or by the State Government.

14. In the sphere of trusts—

Managing trusts in furtherance of the objects of any programme that may be carried out with the taluka fund.

15. In the sphere of rural housing—

Development of village sites with the co-operation of the village population and planning of rural housing.

16. In the sphere of information—

(*a*) community radio listening programme:

(*b*) arranging exhibitions;

(*c*) publications.

THE SIXTH SCHEDULE

[*See* Section 163 (1)]

MATTERS IN RESPECT OF WHICH THE ZILLA PARISHAD WILL HAVE THE AUTHORITY SO AS TO ENABLE IT TO FUNCTION AS AN INSTITUTION OF SELF GOVERNMENT.

1. In the sphere of sanitation and health——

(*a*) establishment and maintenance of dispensaries;

(*b*) provision and maintenance of drinking water supply;

(*c*) taking necessary action or steps for improvement in public health and public amenities;

(*d*) establishment and maintenance of primary health centres;

(*e*) assisting family-planning;

(*f*) supply of milk to children and nursing mothers in families in the low income group;

(*g*) providing for training to mid-wives;

(*h*) giving protection against diphtheria, whooping cough and tetanus;

(*i*) establishment and maintenance of ayurvedic and homoeopathic dispensaries;

(*j*) provision of medical relief through ayurvedic and homoeopathic centres;

(*k*) assisting recognised medical relief-centres;

(*l*) providing for training of nurses.

2. In the sphere of public works—

(*a*) construction and maintenance of roads;

(*b*) the planting and rearing of trees on both sides of the roads;

(*c*) execution of works entrusted to it by the State Government;

(*d*) supervision, repairs and preservation of building vested in the district panchayat;

(*e*) construction and maintenance of buildings required for the activities of the district panchayat.

3. In the sphere of education and other cultural activities—

(*a*) estlabishment and maintenance of schools upto secondary level, including recruitment, appointment and transfer of staff, payment of salaries and exercise of control over the staff subject to Government guidelines;

(*b*) exercise of control and academic supervision of all schools including aided and private schools upto secondary level subject to Government guidelines;

(*c*) laying down of academic and administrative norms for better functioning of educational institutions;

(*d*) disbursement of grants to aided schools subject to Government guidelines;

(*e*) supervision of Adult Education Committees at block and village level;

(*f*) preparation and sanction of educational budget;

(*g*) administration of district educational fund;

(*h*) preparation of perspective plan for the district;

(*i*) proposal of measures including levy of cess, surcharge and taxes for mobilising additional resources for education to the Zilla Parishad;

(*j*) inspection of primary schools managed by the Panchayat Samities and conduct of their examinations if any.

(*k*) accepting and managing educational funds;

(*l*) assisting, encouraging and guiding all educational activities in the district;

(*m*) organising camps, conferences, and gatherings of members of village panchayats, block panchayats and district panchayat in the district.

4. In the sphere of administration—

(*a*) collecting of necessary stores and materials;

(*b*) publication of statistical and other information relating to activities of panchayats;

(*c*) co-ordination and use of statistics and other information required for the activities of the village panchayats, block panchayats and district panchayats;

(*d*) periodical supervision and evaluation of the projects and programmes entrusted to the different panchayats in the district;

(*e*) accepting donations in the furtherance of the purposes for which fund might have been raised.

5. In the sphere of community development—

(*a*) co-ordination and integration of the development scheme of all blocks in the district and preparing a plan therefor for the whole district;

(*b*) preparation of projects, plans and schemes concerning two or more blocks in the district;

(*c*) (*i*) promoting the establishment and development of panchayats;

(*ii*) inspection, regulation and control of the block panchayat samities in the district;

(*iii*) performance of all such functions as are assigned to it under any law or as may be assigned by the Administrator from time to time;

(*d*) implementation of any development programme that may be entrusted by the Administrator;

(*e*) distribution and co-ordination of work among village panchayats, block panchayats and district panchayats.

6. In the sphere of agriculture—

(*a*) undertaking intensive pioneering schemes relating to paddy vegetables, pulses, oilseeds, plantation crops and horticulture;

(*b*) constuction and maintenance of building for seeds distribution centres;

(*c*) implementation of schemes of manure.

(*d*) arranging for the purchase and sale of necessary equipment for the protection of plants;

(*e*) arranging for the purchase and sale of insecticides;

(*f*) establishment and maintenance of model agricultural forms;

(*g*) procuring and distributing improved seeds;

(*h*) implementing scheme relating to agricultural production and agricultural development;

(*i*) arranging exhibitions and competitions and development programme in connection with agricultural development and cattle-breeding;

7. In the sphere of animal husbandry—

(*a*) establishment and maintaining supply-centres for cattle breeding;

(*b*) giving encouragement and assistance to cattle breeding centres run by recognised institutions;

(*c*) provision for the rearing of stud calves;

(*d*) the development of fodder-lands;

(*e*) encouraging and assisting schemes for the storage of grass;

(*f*) implementing schemes of poultry farming;

(*g*) the implementation of the schemes of cattle breeding;

(*h*) establishment and maintaining veterinary hospitals and dispensaries.

8. In the sphere of village and small scale industries—

(*a*) examining the possibilities of village industries and small scale industries in the district, preparation and execution of plans for their revival, organisation and development;

(*b*) providing for necessary assistance and encouragement of technical training to village workers in village industries and small-scale industries relating to their crafts;

(*c*) establishing, maintaining, expanding and aiding secondary, technical and industrial schools.

9. In the sphere of social welfare—

(*a*) providing necessary assistance and encouragement to the work of institutions of social service;

(*b*) conducting necessary social welfare activities in the district.

10. In the sphere of relief—

Establishment and management of relief centres in times of natural calamities such as famine and scarcity, floods, fire and earthquake.

11. In the sphere of minor irrigation projects—

(*a*) digging new ponds and wells and repairing old ponds, wells for irrigation;

(*b*) giving assistance for the purchase of pumping sets and machinery ;

(*c*) provision and propaganda for improved kits;

(*d*) encouraging and assisting irrigation schemes on a co-operating basis.

SHANKER DAYAL SHARMA
President.

K. L. MOHANPURIA
Secy. to the Govt. of India.

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